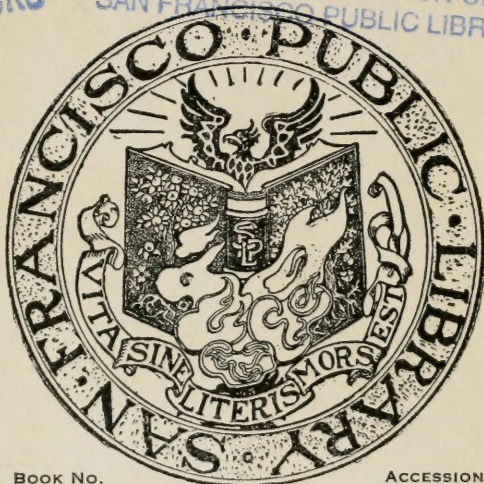


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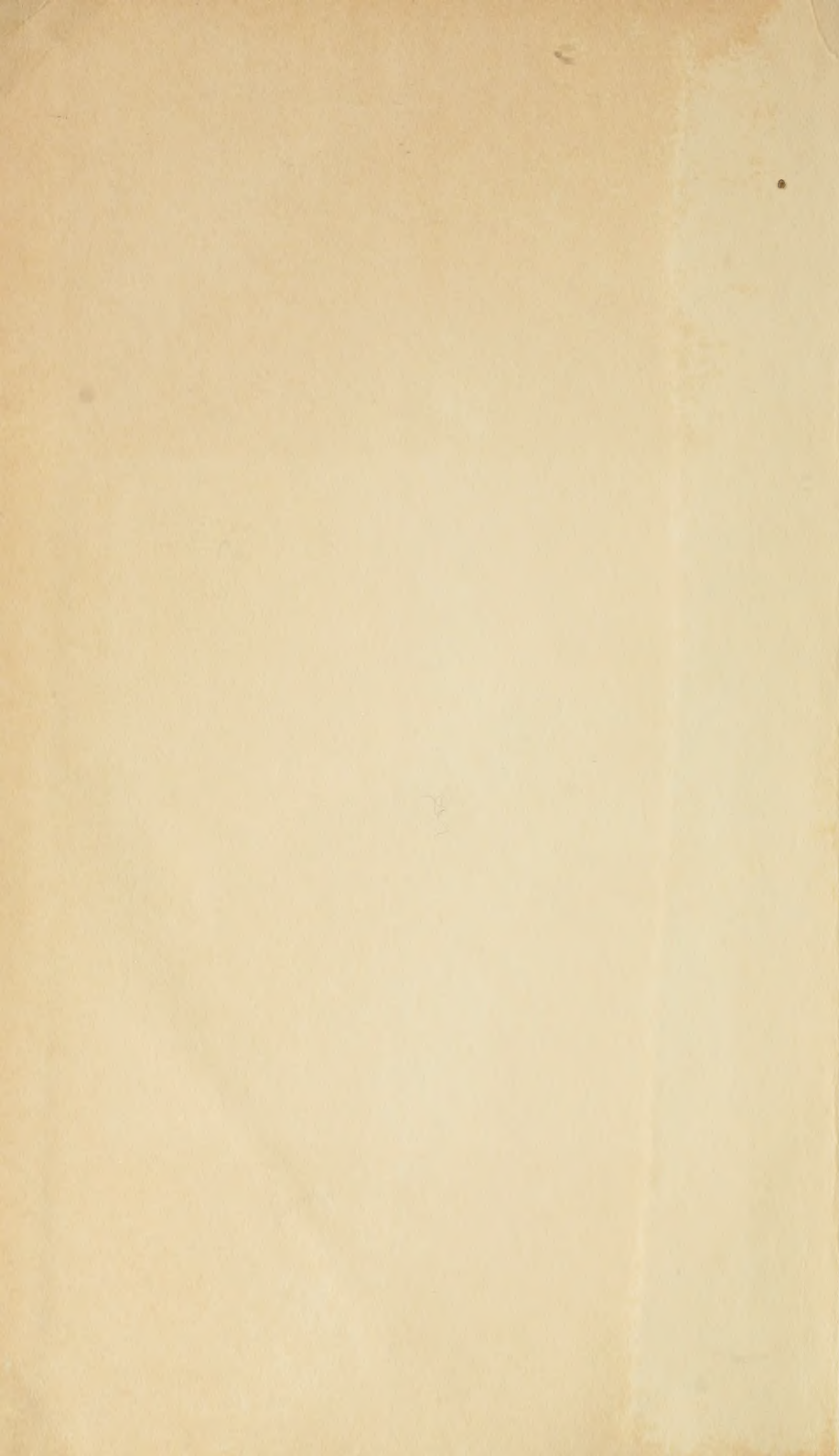
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APPENDIX

TO

Journals of Senate and Assembly,

OF THE

FOURTEENTH SESSION OF THE LEGISLATURE

OF THE

STATE OF CALIFORNIA.



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SACRAMENTO:

BENJ. P. AVERY, STATE PRINTER.

1863.

APPENDIX

Journals of Senate and Assembly

OF THE

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STATE OF CALIFORNIA

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STATE OF CALIFORNIA

1881

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- 1.—Annual Report of Controller of State for the year 1862.
- 2.—Annual Report of Treasurer of State for the year 1862.
- 3.—Annual Report of Surveyor-General for the year 1862.
- 4.—Annual Report of Superintendent of Public Instruction for the year 1862.
- 5.—Annual Report of Secretary of State for the year 1862.
- 6.—Annual Report of Attorney-General for the year 1862.
- 7.—Annual Report of Trustees of Insane Asylum for the year 1862.
- 8.—Annual Report of State Prison Directors for the year 1862.
- 9.—Annual Report of Adjutant-General for the year 1862.
- 10.—Annual Report of State Geologist for the year 1862.
- 11.—Report of Trustees of State Reform School.
- 12.—Report of Board of State Capitol Commissioners.
- 13.—Annual Report of Swamp Land Commissioners.
- 14.—Report of Hon. William H. Parks, as Land Commissioner to visit the City of Washington.
- 15.—Communication from Governor Stanford to the Legislature in relation to payment of California's quota of direct tax.
- 16.—Majority and Minority Reports of the Special Committee of the Assembly to inquire into the conduct of the Treasurer and Controller in relation to payment of California's quota of direct tax.
- 17.—Report of Special Committee on copying for the Assembly for the Thirteenth Session.
- 18.—Proceedings and Documents in the contested election case of Baker vs. Freeman.
- 19.—Reports from Senate Finance Committee on Senate bill No. 206.
- 20.—Report of Senate Judiciary Committee on Constitutional Amendments.
- 21.—Report of War Debt Commissioners.
- 22.—Annual Report of Trustees of State Library.
- 23.—Report of Sub-Committee of the Committee on Mines and Mining Interests of the Senate on State Geological Survey.
- 24.—Report of Sub-Committee of the Committee on Mines and Mining Interests of the Assembly on State Geological Survey.
- 25.—Report of the Committee on the Culture of the Grape.
- 26.—Report of the Senate Committee on State Hospitals.
- 27.—Joint Report of Committee on Public Buildings of the Senate and Committee on State Prison of the Assembly.
- 28.—Report of Committee on State Reform School.
- 29.—Report of Assembly Committee on Hospitals.
- 30.—Report of Attorney-General concerning Title to State Prison Lands.
- 31.—Minority Report of Committee on Ways and Means on Senate bill No. 215.
- 32.—Report of Controller in regard to Seminary Fund.
- 33.—Report of Recording Secretary of State Agricultural Society.
- 34.—Message of the Governor and correspondence in relation to the boundary line of California and Nevada Territory.
- 35.—Lecture on Geology by State Geologist.

ANNUAL REPORT

THE CONTROLLER OF STATE

THE YEAR 1887

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

OFFICE OF STATE CONTROLLER,
Sacramento, Cal., December 17th, 1862. }

To His Excellency,

LELAND STANFORD,

Governor of California:

SIR:—In conformity with the requirements of section third of an Act “Concerning the office of Controller,” approved January nineteenth, eighteen hundred and fifty, I herewith submit the annual report of the financial condition of the State for the Thirteenth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-two; also supplemental report for a portion of the Fourteenth Fiscal Year, from June thirtieth to December first, eighteen hundred and sixty-two.

The tabular statements and various items of the report may be found under the following headings:

A.

Statement of receipts into the State Treasury, during the thirteenth fiscal year.

B.

Statement showing the amount of expenditures for the fiscal year ending June thirtieth, eighteen hundred and sixty-two, and the amount of each appropriation made by law for said year, the amount expended under each, and the balance unexpended at the close of said year.

C.

Statement showing the revenue received during the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth, fiscal years.

D.

Statement showing expenditures during the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth, fiscal years.

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E.

Statement of annual assessment of real and personal property, from the organization of the State Government to the year eighteen hundred and sixty-two, inclusive.

F.

Abstract statement of the assessment of the value of property of all kinds for the year eighteen hundred and sixty-two, and the amount of State and County tax due thereon.

G.

Statement of the condition of the several Funds, June thirtieth, eighteen hundred and sixty-two.

H.

Condensed statement of the balances in the several Funds, June thirtieth, eighteen hundred and sixty-two.

I.

Estimate of the receipts from all sources of revenue during the fourteenth fiscal year, ending June thirtieth, eighteen hundred and sixty-three.

K.

Estimate of expenditures for all purposes during the fourteenth fiscal year, ending June thirtieth, eighteen hundred and sixty-three.

L.

Statement of transactions of the Stamp Office during the year ending June thirtieth, eighteen hundred and sixty-two.

M.

Statement of the Funded Debt of eighteen hundred and fifty-seven.

N.

Statement of the Funded Debt of eighteen hundred and sixty.

O.

Statement of the War Debt.

SUPPLEMENTAL.

1.

Statement of warrants issued by the Controller from July first to December first, eighteen hundred and sixty-two.

2.

Statement of receipts into the State Treasury from July first to December first, eighteen hundred and sixty-two.

Owing to the amount of labor imposed upon this office by acts of the last Legislature in directing the Controller to issue Federal and Chinese Tax Receipts, and the increasing demand on this office for State Poll Tax Receipts and Foreign Miners' Licenses, I found it necessary to employ additional clerical force, or suffer the revenue of the State, (derived from the sale of State Poll Tax Receipts, Chinese Police Tax Receipts, Foreign Miners' Licenses, and Federal Poll Tax Receipts,) to be impaired to a large amount by not being able to supply the officers collecting the revenue with the necessary blanks. As no provision is made for the employment or payment of extra clerks in this department, I desire your Excellency to present the matter to the Legislature for their consideration.

The Revenue Law of eighteen hundred and sixty-one, which is now in force in all the counties of the State, (except the county of San Francisco,) as it becomes more thoroughly understood by those who have its execution in charge, seems to meet the objects for which it was enacted more perfectly, perhaps, than any other Act, upon the same subject, heretofore passed. And, although it might be simplified in some of its general provisions, I do not consider them of sufficient importance to call special attention to them, except so far as the practical operation of said law is affected by the recent amendments to the Constitution of the State. One of these amendments requires the Legislature to assemble on the first Monday in December, instead of the first Monday in January, as heretofore; in order, therefore, that the annual taxes levied for State purposes may be paid in, and properly accounted for, prior to the meeting of the Legislature, I would recommend that the "Act to Provide Revenue for the Support of the Government," approved May seventeenth, eighteen hundred and sixty-one, be so amended as to require the County Assessors to commence the assessment of real and personal property, for State and County purposes, on the first Monday in January, instead of the first Monday in March, as now provided, and that the assessment be completed by the first Monday in August; and that the other provisions of said law, for the collection of the taxes, be so amended as to make the first Monday in October (in place of the third Monday in November) the last day upon which the taxes upon real and personal property could be paid, without costs or percentage.

It would also be proper to alter the time requiring the County Treasurers to settle their accounts with the State, from the second Monday in November to the second Monday in October, of each year.

The Act of the Legislature, entitled "An Act concerning the duties of County Treasurers," approved April twenty-ninth, eighteen hundred and sixty-two, has failed to accomplish the purposes for which it was enacted, viz: a diminution of the costs of collecting and paying over the State Revenue. I recommend that said Act be repealed, and that the mileage allowed to County Treasurers be so established as not to exceed one hundred and fifty dollars (\$150) in any individual case.

FEDERAL TAX.

The Act of April twelfth, eighteen hundred and sixty-two, to provide for the collection and payment of the quota of direct tax apportioned to this State, provides that "the Controller of State shall draw his warrant from time to time in favor of the Assistant Treasurer of the United States, for the several sums of money directed to be paid, and that the Treasurer of State shall pay to the Assistant Treasurer of the United

report made from this office, and I avail myself of the first opportunity as provided by law, to advise you of the facts.

D. R. ASHLEY,
State Treasurer.

If the Legislature vote a donation of this profit to the Federal Government, they can do so; but the Treasurer felt it to be his bounden duty to make the saving to the State. And, as the State is so far in arrears to its creditors, and has not means to pay its current expenses, strict justice requires the amount saved to be placed in the "General Fund" of the State, to be applied in payment of claims on file in this office, and not paid for want of funds.

The collection of the Federal Tax has been made by the County officers principally in gold. San Francisco collected in Legal Tender Notes fifteen hundred and seventy dollars. These notes the Treasurer considered himself bound to receive at par, as no decision of the Supreme Court had been made at the time of the August settlement.

In all other Counties the Tax having been collected in gold, it was necessary to insist upon payment in gold, otherwise County officers might have changed the gold, and settled with the State in Legal Tender Notes, and the Tax-Payers would have lost the premium on the gold. But as California assumed the obligation to pay the amount of this tax, and as the United States, by the law authorizing the issue of Treasury Notes, does, by the same law, make these notes receivable for taxes to the Government, it follows that if California pays in any other currency than these notes, the Tax-Payers lose the premium on gold. It also follows that California does absolutely pay more than her quota of the tax, if she pays it in gold; for all the other States pay the war tax in their currency, or in Legal Tender Notes.

The last Legislature appropriated the sum of thirty-four thousand two hundred and ninety-four dollars and forty cents—a deficiency for the support of schools during the tenth, eleventh, twelfth, and thirteenth fiscal years. The whole of this appropriation would have been placed to the credit of the School Fund, had there been sufficient money in the General Fund to make the transfer. One half only has been paid—viz: seventeen thousand one hundred and forty-seven dollars and twenty cents.

The two hundred thousand dollars transferred from the Swamp Land Fund to the General Fund to pay current expenses of the last Legislature, has been, in compliance with law, retransferred to said Swamp Land Fund.

The interest on the Civil Funded Debt has been promptly paid, and the sum of ninety-six thousand five hundred dollars in the Sinking Fund applied to the redemption of bonds.

The transactions in the General Fund from December fifteenth, eighteen hundred and sixty-one, to January tenth, eighteen hundred and sixty-two, are as follows:

Amount received into General Fund, from all sources of revenue, from December 15, 1861, to January 10, 1862	\$261,474 34
Amount paid out from December 15, 1861, to January 10, 1862, from General Fund.....	251,304 57
Amount in General Fund January 10, 1862.....	\$10,169 77

The transactions in the General Fund from January tenth to December first, eighteen hundred and sixty-two, are as follows:

Amount in General Fund January 10, 1862	\$10,169 77
Total amount received into the General Fund from January 10 to December 1, 1862.....	577,629 00
	<hr/> \$587,799 43

Amount of accounts and salaries paid, incurred by former administrations.....	\$295,110 19
Amount of accounts and salaries paid, incurred by present administration, including amount transferred from Swamp Land Fund to General Fund by last Legislature.....	283,060 06
	<hr/> \$578,170 25

Amount of floating indebtedness, salaries and accounts due and not paid, by former administration.....	\$85,156 00
Amount of indebtedness, salaries and accounts, due but not paid, by present administration.....	455,057 70
	<hr/> \$540,213 70

Balance in General Fund December first, nine thousand eight hundred and twenty-nine dollars and eighteen cents.

Your Excellency will perceive, from the foregoing statement, that the money received into the General Fund has mostly been applied in payment of claims which accrued prior to the commencement of your administration.

The entire indebtedness of the State, on the first of December, eighteen hundred and sixty-two, is as follows:

Bonds issued under the Act of April 28, 1857, and outstanding December 1, 1862.....	\$3,727,500 00
Bonds issued under the Act of April 30, 1860, and outstanding December 1, 1862.....	198,500 00
Audited claims on file in Controller's office, December 1, 1862.....	\$427,780 00
Salaries of officers.....	62,000 00
Appropriated by last Legislature for support of Schools.....	50,433 70
	<hr/> 540,213 70
War bonds and coupons outstanding December 1, 1862.....	558,930 01
	<hr/> \$5,025,143 71
Carried forward.....	

Brought forward.....	\$5,025,143 71
Claims audited but not bonded	68,621 05
[The General Government has allowed the sum of two hundred and twenty-nine thousand dollars to be paid on these bonds.]	
Amount of civil funded warrants in hands of State Treasurer, belonging to School Fund, <i>not funded</i>	475,520 00
Making a total of	\$5,569,284 76
Annual interest on Funded Debt of 1857.....	260,925 00
Annual interest on Funded Debt of 1860.....	13,895 00
Annual interest on "Civil Fund Warrants" in the hands of State Treasurer, for which the Legislature makes annual appropriation.....	33,286 40

Of this amount the sum of five hundred and forty thousand two hundred and thirteen dollars and seventy cents, (\$540,213 70,) is an indebtedness to be paid from the General Fund.

I would therefore recommend, in view of the embarrassed condition of the General Fund, that the ad valorem tax which the revenue laws of eighteen hundred and sixty-one fix at sixty-two (62) cents upon each one hundred dollars of taxable property, shall, for the year eighteen hundred and sixty-three, be raised twenty-three cents on the one hundred dollars, making the tax for eighteen hundred and sixty-three, eighty-five cents on each one hundred dollars of taxable property.

Estimating the assessment of the State at one hundred and fifty millions of dollars, (\$150,000,000,) and the increase of revenue will be three hundred and forty-five thousand dollars (\$345,000.) This increase of the revenue would enable the State, by the first of December, eighteen hundred and sixty-three, to pay off this floating debt of five hundred and forty thousand two hundred and thirteen dollars and seventy cents, (\$540,213 70,) and commence again with the system of cash payments, as contemplated by the Legislatures of eighteen hundred and fifty-seven and eighteen hundred and sixty, when the Funding Acts were passed, and ratified by the people.

The appropriations should be kept strictly within the means provided for their payment. The Legislature cannot be too careful to regard this recommendation with scrupulous exactness. Occasional contingencies may arise, in a temporary failure of the receipts of revenue, to produce a deficiency in the General Fund; but no excuse can be urged for a continual repetition, or for producing them by the Act of the Legislature. They are bad precedents—unnecessary, unconstitutional, and pernicious.

A strict adherence to the principle of limiting appropriations to the means actually provided for their payment, together with an honest exercise of economy, will prevent future embarrassments.

I beg leave to refer you to the accompanying documents for the details of the financial transactions of the State Government.

All of which is most respectfully submitted.

Your obedient servant.

GILBERT R. WARREN,

Controller of State.

STATISTICAL TABLES.

Monterey.....	167 04	97 00	40 00	63 05	.....	.....	.....
Napa.....	879 13	2,658 64	1,217 55	401 58	.....	.....	.....
Nevada.....	.....	.....	.....	707 13	.....	.....	.....
Placer.....	460 17	679 00	2,300 45	730 41	.....	.....	.....
Plumas.....	.....	.....	.....	.....	.....	.....	.....
Sacramento.....	9,834 95	1,882 18	3,781 58	2,019 53	.....	.....	.....
San Bernardino.....	.....	.....	.....	.....	.....	.....	.....
San Diego.....	.....	.....	.....	32 17	.....	.....	.....
San Francisco.....	.....	.....	.....	6,083 01	.....	.....	.....
San Joaquin.....	14,727 79	3,029 60	3,915 66	250 25	.....	.....	.....
San Luis Obispo.....	.....	126 10	83 04	.....	.....	.....	.....
San Mateo.....	1,590 88	989 40	356 96	81 48	.....	.....	.....
Santa Barbara.....	357 59	.....	.....	.....	.....	.....	.....
Santa Clara.....	1,304 12	155 20	62 08	419 03	.....	.....	.....
Santa Cruz.....	10 64	.....	.....	75 67	.....	.....	.....
Shasta.....	.....	29 10	294 88	244 44	.....	.....	.....
Sierra.....	.....	.....	.....	428 74	.....	.....	.....
Siskiyou.....	.....	2,243 81	143 56	573 28	.....	.....	.....
Solano.....	5,280 86	7,961 73	3,678 42	640 20	7 27	.....	.....
Sonoma.....	775 35	.....	.....	240 56	.....	.....	.....
Stanislaus.....	552 10	.....	376 74	.....	.....	.....	.....
Sutter.....	2,728 71	77 60	332 08	.....	.....	.....	.....
Tehama.....	.....	.....	426 80	.....	.....	.....	.....
Trinity.....	.....	.....	.....	.....	.....	.....	.....
Tulare.....	906 38	.....	.....	145 50	.....	.....	.....
Tuolumne.....	.....	48 50	263 04	81 48	.....	.....	.....
Yolo.....	3,074 45	3,472 60	1,616 16	331 74	.....	.....	.....
Yuba.....	.....	90 81	218 44	128 04	.....	.....	.....
Superintendent Immigration.....	.....	.....	.....	1,073 78	.....	.....	.....
Total.....	\$58,501 14	\$28,234 83	\$25,039 93	\$17,088 35	\$105 54	\$50 91	\$2,825 50
							\$2,825 50

Monterey .....	.....	.....	.....	.....	4,250 19	.....	.....
Napa.....	.....	.....	.....	.....	16,441 45	.....	.....
Nevada.....	.....	.....	.....	105 04	18,839 54	821 67	.....
Placer.....	.....	.....	.....	.....	15,010 15	95 80	.....
Plumas.....	.....	.....	33 35	149 67	2,344 84	.....	.....
Sacramento .....	.....	.....	476 33	3,235 09	53,767 42	.....	\$21 82
San Bernardino.....	.....	.....	.....	.....	.....	.....	.....
San Diego .....	.....	.....	.....	.....	1,039 97	5 91	.....
San Francisco.....	207 60	.....	.....	1,775 66	222,615 43	.....	417 75
San Joaquin.....	.....	.....	643 56	.....	19,275 77	.....	.....
San Luis Obispo.....	.....	.....	.....	699 48	2,887 05	.....	.....
San Mateo.....	.....	.....	.....	.....	5,006 76	156 23	.....
Santa Barbara.....	.....	.....	.....	3,132 45	3,141 78	.....	.....
Santa Clara.....	43 65	.....	.....	.....	26,855 11	.....	.....
Santa Cruz.....	.....	.....	.....	.....	2,698 39	.....	.....
Shasta.....	.....	.....	.....	.....	6,794 70	169 02	.....
Sierra.....	.....	.....	.....	28 52	9,290 64	.....	.....
Siskiyou .....	.....	.....	.....	32 76	9,705 10	846 30	.....
Solano.....	31 04	.....	.....	1 78	13,914 02	.....	.....
Sonoma.....	.....	.....	.....	249 50	21,357 60	.....	.....
Stanislaus.....	.....	.....	.....	.....	3,737 82	.....	.....
Sutter .....	.....	.....	.....	168 34	9,668 72	.....	.....
Tebama.....	.....	.....	.....	.....	8,278 10	516 64	.....
Trinity .....	.....	.....	.....	.....	5,580 98	.....	.....
Tulare.....	.....	.....	.....	.....	4,831 76	.....	.....
Tuolumne.....	.....	.....	.....	.....	13,199 77	5 97	.....
Yolo.....	.....	.....	.....	104 91	9,789 46	.....	.....
Yuba .....	.....	.....	.....	2,067 16	23,472 29	.....	.....
Total.....	\$93 59	\$367 65	\$1,409 53	\$15,047 16	\$666,476 17	\$3,406 39	\$439 57

RECEIPTS—Continued.

For the Thirteenth Fiscal Year, from July 1, 1861, to June 30, 1862.—Continued.

COUNTIES.	Home Insurance Li- censes.....	Foreign Insurance Li- censes.....	Military Commissions.	Forfeited Recognizances.....	School Lands—16th and 36th Sections— Principal	School Lands—16th and 36th Sections— Interest.....
Alameda.....
Amador.....
Butte.....
Buena Vista.....
Calaveras.....
Colusa.....
Contra Costa.....
Del Norte.....
El Dorado.....	\$923 03	.....	.....
Fresno.....	\$772 75	\$591 03
Humboldt.....
Klamath.....
Lake.....
Los Angeles.....
Marin.....
Mariposa.....
Mendocino.....
Merced.....
Mono.....

RECEIPTS—Continued.

RECAPITULATION.

COUNTIES.	Amounts.
Alameda.....	\$23,414 94
Amador.....	29,682 30
Butte.....	27,909 05
Calaveras.....	26,392 65
Colusa.....	9,934 13
Contra Costa.....	13,458 11
Del Norte.....	4,208 60
El Dorado.....	33,858 11
Fresno.....	14,551 55
Humboldt.....	13,936 37
Klamath.....	6,965 52
Lake.....	1,632 01
Los Angeles.....	9,535 61
Marin.....	3,776 49
Mariposa.....	15,516 37
Mendocino.....	8,227 07
Merced.....	8,668 33
Monterey.....	5,095 52
Napa.....	22,347 32
Nevada.....	27,095 66
Placer.....	50,739 99
Plumas.....	2,768 90
Sacramento.....	84,476 62
San Bernardino.....	99 21
San Diego.....	1,179 31
San Francisco.....	255,708 78
San Joaquin.....	42,743 86
San Luis Obispo.....	3,910 87
San Mateo.....	8,928 62
Santa Barbara.....	6,950 63
Santa Clara.....	30,017 12
Santa Cruz.....	3,549 01
Shasta.....	15,521 31
Sierra.....	8,437 08
Siskiyou.....	22,707 98
Solano.....	31,860 05
Sonoma.....	24,403 53
Stanislaus.....	5,115 50
Sutter.....	13,408 88
Tehama.....	10,266 58
Trinity.....	12,514 98
Tulare.....	6,713 57
Tuolumne.....	21,204 31
Yolo.....	19,082 93
Yuba.....	31,614 05
MISCELLANEOUS.	
Fees from Secretary of State.....	3,341 00
Interest on School Bonds.....	5,530 00
Judgment against Breyfogle and others.....	953 39
Judgment against Clark and Ingersoll.....	1,567 98
Absence from Preëemption Claim.....	7 28
Total.....	\$1,031,529 08

[B]

EXPENDITURES.

Statement showing the amount of Expenditures for the Fiscal Year ending June 30, 1862, and the amount of each Appropriation made by law for said year, the amount expended under each, and the balance unexpended at the close of said year.

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
	<i>Executive Department.</i>				
May 20, 1861	Salary of Governor	\$6,500 00	\$3,555 54	\$2,944 46	
	Salary of Governor, 12th fiscal year.....	1,000 00	1,000 00		
	Salary of Private Secretary to Governor.....	2,500 00	1,760 54	739 46	
April 30, 1860	Salary of Private Secretary to Governor, 12th fiscal year..	333 40	333 40		
May 20, 1861	Rent of Governor's office....	900 00	300 00	600 00	
April 30, 1860	Rent of Governor's office, 12th fiscal year.....	150 00	150 00		
May 20, 1861	Pay of Porter to Governor.....	600 00	350 00	250 00	
April 30, 1860	Pay of Porter to Governor, 12th fiscal year..	100 00	100 00		
May 20, 1861	Contingent Expenses of Governor's office.....	500 00	162 98	337 02	
April 30, 1860	Contingent Expenses of Governor's office, 12th fiscal year.	55 30	44 40	10 90	
May 20, 1861	Special Contingent Fund of Governor's office.....	5,000 00	3,826 53	1,173 47	
April 30, 1860	Special Contingent Fund of Gov.'s office, 12th fiscal year.....	1,119 30	480 75	638 55	
May 20, 1861	Salary of Governor as Member of Board of Examiners....	500 00	500 00		
April 30, 1860	Salary of Governor as Member of Board of Examiners, 12th fiscal year.....	166 70	166 70		
	Total for Governor's office.....				\$12,730 84
	Amount carried forward.....				\$12,730 84

EXPENDITURES—Continued.

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
	Amount brought forward.....	.....	.....	.....	\$12,730 84
May 20, 1861	Salary of Secretary of State.....	\$3,750 00	\$2,083 35	\$1,666 65	
April 30, 1860	Salaries of Clerks to Secretary of State.....	4,710 00	4,110 00	600 00	
May 20, 1861	Salaries of Clerks to Secretary of State, 12th fiscal year...	1,500 00	800 00	700 00	
April 30, 1860	Postage for Secretary of State.....	1,200 00	440 47	759 53	
May 20, 1861	Postage for Secretary of State, 12th fiscal year.....	15 15	9 10	6 05	
April 30, 1860	Pay of Porter to Secretary of State.....	150 00	75 00	75 00	
May 20, 1861	Pay of Porter to Secretary of State, 12th fiscal year.....	50 00	50 00	.....
April 30, 1860	Contingent Expenses of Secretary of State.....	300 00	40 93	259 07	
May 20, 1861	Contingent Expenses of Sec'y of State, 12th fiscal year.....	131 76	39 25	92 51	
April 30, 1860	Salary of Secretary of State as Member of Board of Examiners.....	500 00	500 00	.....
May 20, 1861	Salary of Secretary of State as Member of Board of Examiners, 12th fiscal year.....	166 70	166 70	.....
April 30, 1860	Salary of Secretary of State, 12th fiscal year.....	583 40	583 40	.....
	Total for office of Secretary of State.....	.....	.....	.....	\$8,898 20
May 20, 1861	Salary of Controller.....	3,750 00	2,083 33	1,666 67	
April 30, 1860	Salary of Controller, 12th fiscal year.....	583 40	583 40	.....
May 14, 1862	Salary of Deputy Controller.....	2,100 00	600 00	1,500 00	
April 30, 1860	Salary of Deputy Controller, 12th fiscal year.....	400 00	400 00	.....
May 20, 1861	Salary of Clerks to Controller.....	7,631 67	6,201 68	1,429 99	
April 30, 1860	Salary of Clerks to Controller, 12th fiscal year.....	1,600 00	1,600 00	.....
May 20, 1861	Pay of Porter to Controller's office.....	150 00	87 50	62 50	
April 30, 1860	Pay of Porter to Controller's office, 12th fiscal year.....	50 00	50 00	.....

May 20, 1861	Expressage of Controller's office.....	1,500 00	.....	1,500 00
April 30, 1860	Expressage of Controller's office, 12th fiscal year.....	750 00	750 00	.....
May 20, 1861	Contingent Expenses of Controller's office.....	380 00	238 17	141 83
April 30, 1860	Contingent Expenses of Controller's office, 12th fiscal year.....	13 61	13 61	.....
Total for Controller's office.....		.....	.....	\$12,607 69
May 20, 1861	Salary of State Treasurer.....	3,750 00	2,083 33	1,666 67
April 30, 1860	Salary of State Treasurer, 12th fiscal year.....	583 40	583 40	.....
May 20, 1861	Salaries of Clerks to Treasurer.....	5,419 50	4,782 49	637 01
April 30, 1860	Salaries of Clerks to Treasurer, 12th fiscal year.....	1,200 00	1,200 00	.....
May 20, 1861	Salaries of Clerks to Treasurer, 12th fiscal year.....	1,800 00	1,600 00	200 00
April 30, 1860	Pay of Watchman.....	400 00	400 00	.....
May 20, 1861	Pay of Watchman, 12th fiscal year.....	150 00	.....	150 00
April 30, 1860	Pay of Porter.....	319 99	66 50	253 49
May 20, 1861	Contingent Expenses of Treasurer's office.....	180 27	180 27	.....
April 30, 1860	Contingent Expenses of Treasurer's office, 12th fiscal year.....	.....	.....	\$10,895 99
Total for Treasurer's office.....		.....	.....	.....
May 20, 1861	Salary of Superintendent Public Instruction.....	3,500 00	2,041 64	1,458 36
April 30, 1860	Salary of Sup't. Pub. Instruction, 12th fiscal year.....	583 40	583 40	.....
May 20, 1861	Salary of Clerk Superintendent Public Instruction.....	1,800 00	1,050 00	750 00
April 30, 1860	Salary of Clerk Sup't. Pub. Instruction, 12th fiscal year.....	1,300 00	1,300 00	.....
May 20, 1861	Rent of office Superintendent Public Instruction.....	360 00	120 00	240 00
April 30, 1860	Rent of office Sup't. Public Instruction, 12th fiscal year.....	60 00	60 00	.....
May 20, 1861	Postage and Expressage.....	600 00	133 06	466 94
April 30, 1860	Stationery, Lights and Fuel.....	200 00	39 62	160 38
May 20, 1861	Stationery, Lights and Fuel, 12th fiscal year.....	62 69	62 69	.....
April 30, 1860	Contingent Expenses, 12th fiscal year.....	65 00	65 00	.....
Total for Superintendent's office.....		.....	.....	\$5,455 41
Amount carried forward.....		.....	.....	\$50,588 13

EXPENDITURES—Continued.

30

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
	Amount brought forward				
May 20, 1861	Salary of Surveyor General.....	\$2,000 00	\$1,167 04	\$832 96	\$50,588 13
April 30, 1860	Salary of Surveyor General, 12th fiscal year.....	333 40	333 40		
May 20, 1861	Salary of Draughtsman.....	2,116 67	2,116 67		
April 30, 1860	Salary of Draughtsman, 12th fiscal year	400 00	400 00		
May 20, 1861	Rent of office.....				
April 30, 1860	Rent of office, 12th fiscal year.....	720 00	240 00	480 00	
May 20, 1861	Pay of Porter to Surveyor General.....	120 00	120 00		
April 30, 1860	Pay of Porter to Surveyor General, 12th fiscal year.....	300 00	137 50	162 50	
May 20, 1861	Contingent Expenses of Surveyor General.....	50 00	50 00		
April 30, 1860	Contingent Expenses of Surveyor General.....	300 00	34 00	266 00	
May 20, 1861	Purchase of Maps from United States.....	113 35	90 60	22 75	
April 30, 1861	Purchase of Maps from United States, 12th fiscal year.....	500 00		500 00	
May 20, 1861	Copying Maps.....	450 00	450 00		
April 30, 1860	Copying Maps, 12th fiscal year.....	250 00		250 00	
	Total for Surveyor General.....	250 00	250 00		
					5,389 21
May 20, 1861	Salary of Attorney General.....	3,000 00	1,344 44	1,655 56	
April 30, 1860	Salary of Attorney General, 12th fiscal year.....	333 40	333 40		
May 20, 1861	Salary of Attorney General as member Board Examiners.	750 00	750 00		
April 30, 1860	Salary of Attorney General, as member of Board of Examiners, 12th fiscal year.....				
May 20, 1861	Pay of Clerk to Attorney General.....	250 00	250 00		
April 30, 1860	Pay of Clerk to Attorney General.....	750 00	750 00		
May 20, 1861	Pay of Clerk to Attorney General, 12th fiscal year.....	666 70	666 70		
April 30, 1860	Pay of Porter.....	150 00	50 00	100 00	
	Pay of Porter, 12th fiscal year.....	30 00	30 00		

May 20, 1861	Contingent Expenses of Attorney General.....	200 00	.....	200 00	.....
April 30, 1860	Contingent Expenses of Attorney General, 12th fiscal year.....	83 15	28 14	55 01	.....
May 20, 1861	Rent of office.....	480 00	160 00	320 00	.....
April 30, 1860	Rent of office, 12th fiscal year.....	80 00	80 00	.....	4,442 68
Total for Attorney General.....		.....	.....	.....	.....
May 20, 1861	Salary of Adjutant General.....	2,183 33	1,166 65	1,016 68	.....
April 30, 1860	Salary of Adjutant General, 12th fiscal year.....	333 40	333 40	.....	.....
May 14, 1862	Salaries of Clerks to Adjutant General.....	2,100 00	.....	2,100 00	.....
	Rent of office, 12th fiscal year.....	340 00	67 00	273 00	.....
	Rent of office, 13th fiscal year.....	863 29	743 42	119 87	.....
	Contingent Expenses of Adjutant General, 12th fiscal year.....	200 00	131 93	68 07	.....
Total for Adjutant General's office.....		.....	.....	.....	2,442 40
May 20, 1861	Salary of Register of State Land Office.....	1,788 89	933 40	855 49	.....
April 30, 1860	Salary of Register of State Land Office, 12th fiscal year.....	266 70	266 70	.....	.....
May 20, 1861	Salary of Clerks to Register.....	4,536 67	4,200 00	336 67	.....
April 30, 1860	Salary of Clerks to Register, 12th fiscal year.....	400 00	400 00	.....	.....
May 20, 1861	Contingent Expenses.....	500 00	205 16	294 84	.....
April 30, 1861	Contingent Expenses, 12th fiscal year.....	281 92	261 90	20 02	.....
	Salary of additional Clerk, 12th fiscal year.....	400 00	400 00	.....	.....
Total for Register of State Land Office.....		.....	.....	.....	6,667 16
<i>Judicial Department.</i>					
May 20, 1861	Salaries of Justices of Supreme Court.....	19,000 00	11,499 99	7,500 01	.....
April 30, 1860	Salaries of Justices of Supreme Court, 12th fiscal year.....	3,333 40	3,333 40	.....	.....
May 20, 1861	Salary of Supreme Court Reporter.....	4,000 00	2,333 33	1,666 67	.....
Amount carried forward.....		.....	.....	.....	\$69,529 58

EXPENDITURES—Continued.

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Total.
	Amount brought forward.....	.....	.....	.....	\$69,529 58
April 30, 1860	Salary of Supreme Court Reporter, 12th fiscal year.....	\$666 70	\$666 70	.....	.....
May 20, 1861	Salary of Secretary of Supreme Court.....	1,800 00	1,050 00	.....	.....
April 30, 1860	Salary of Secretary of Supreme Court, 12th fiscal year....	300 00	300 00	\$750 00	.....
May 20, 1861	Pay of Porter to Supreme Court.....	300 00	.....	.....	.....
April 30, 1860	Pay of Porter to Supreme Court, 12th fiscal year.....	300 00	149 16	150 84	.....
May 20, 1861	Pay of Porter to Supreme Court, 12th fiscal year.....	51 35	50 00	1 35	.....
April 30, 1860	Rent of Supreme Court Rooms.....	2,000 00	500 00	1,500 00	.....
May 20, 1861	Rent of Supreme Court Rooms, 12th fiscal year.....	833 34	833 34	.....	.....
April 30, 1860	Contingent Expenses of Supreme Court.....	600 00	181 66	418 34	.....
May 20, 1861	Contingent Expenses of Supreme Court, 12th fiscal year....	139 85	78 40	61 45	.....
April 30, 1860	Reporting certain decisions of Sup. Court, 12th fiscal year..	77 82	77 82	.....	.....
May 20, 1861	Pay of Bailiff of Supreme Court.....	900 00	.....	900 00	.....
April 30, 1860	Purchase of carpet for Sup. Court room, 12th fiscal year....	306 13	78 00	228 13	.....
May 20, 1861	300 copies Reports, 12th fiscal year.....	2,000 00	2,000 00	.....	.....
May 20, 1861	300 copies Reports, 13th fiscal year.....	2,000 00	2,000 00	.....	.....
May 20, 1861	Salaries of District Judges.....	85,000 00	47,583 08	37,416 92	.....
April 30, 1860	Salaries of District Judges, 12th fiscal year.....	14,334 24	13,834 22	500 02	.....
	Total for Judicial Department.....	.....	.....	.....	\$86,549 10
	<i>Legislative Department.</i>				
May 20, 1861	Per diem and mileage of Lieut.-Governor and Senators....	45,000 00	36,362 00	8,638 00	.....
May 20, 1861	Pay of officers and Clerk of Senate.....	15,000 00	9,134 00	5,866 00	.....
May 20, 1861	Contingent expenses of Senate.....	10,000 00	5,244 50	4,755 50	.....
	Contingent expenses of Senate, 11th fiscal year.....	920 00	298 47	622 03	.....
	Contingent expenses of Senate, 12th fiscal year.....	946 57	68 62	877 95	.....

Stationery, fuel and lights.....	15,000 00	4,151 01	10,848 99
Stationery, fuel and lights, 12th fiscal year.....	865 36	843 43	22 93
Translating Laws into Spanish.....	2,000 00	.....	2,000 00
Translating Laws into Spanish, 12th fiscal year.....	2,000 00	2,000 00	.....
May 20, 1861 Per diem and mileage of Assembly.....	90,000 00	71,709 10	18,290 90
May 20, 1861 Pay of officers and Clerks of Assembly.....	20,000 00	10,001 00	9,999 00
May 20, 1861 Contingent expenses of Assembly.....	12,000 00	5,927 46	6,072 54
May 13, 1861 Contingent expenses of Assembly, 11th fiscal year.....	480 00	480 00	.....
April 30, 1860 Contingent expenses of Assembly, 12th fiscal year.....	1,221 29	70 87	1,150 42
May 20, 1861 Rent of State House.....	7,200 00	3,600 00	3,600 00
April 30, 1860 Marginal Notes to Laws, 12th fiscal year.....	300 00	300 00	.....
April 30, 1860 Indexing Journals, 12th fiscal year.....	500 00	500 00	.....
July, 1855 Copying Laws and Journals.....	96 96	96 96	.....
Jan. 21, 1862 Postage and Expressage for the Legislature.....	3,125 00	3,125 00	.....
Total for Legislative Purposes.....	.....	.....	\$153,912 42
<i>State Printing.</i>			
May 20, 1861 Printing paper and official advertisements.....	40,000 00	37,589 47	2,410 53
April 30, 1860 Printing paper and official advertisements, 12th fiscal year.....	9,170 04	2,537 99	6,632 05
April 30, 1860 Copying Laws for Printer, 12th fiscal year.....	500 00	500 00	.....
May 14, 1862 State Printing, Paper and Binding.....	10,000 00	.....	10,000 00
Total for State Printing.....	.....	.....	\$40,627 46
<i>State Prison Purposes.</i>			
May 20, 1861 Support of State Prison..	60,000 00	23,439 12	36,560 88
April 30, 1860 Support of State Prison, 12th fiscal year.....	2,061 10	2,061 10	.....
May 20, 1861 Transportation of Prisoners.....	25,000 00	4,190 25	20,809 75
Amount carried forward.....	.....	.....	\$350,618 66

EXPENDITURES—Continued.

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
April 30, 1860	Amount brought forward	\$9,604 75	.....	.....	\$350,618 66
	Transportation of Prisoners, 12th fiscal year.....	.....	\$2,094 00	\$7,510 75	.....
	Total for State Prison Purposes .....	.....	.....	.....	\$31,784 47
	<i>State Library.</i>				
May 1, 1852	Purchase of Books, etc.....	7,209 29	7,209 29	.....	.....
May 20, 1861	Rent of Library Rooms.....	1,000 00	333 33	666 67	.....
April 30, 1860	Rent of Library Rooms, 12th fiscal year.....	166 70	166 70	.....	.....
May 20, 1861	Contingent Expenses of Library.....	300 00	7 62	292 38	.....
April 30, 1860	Contingent Expenses of Library, 12th fiscal year.....	242 60	193 52	49 08	.....
May 20, 1861	Pay of Porter to Library.....	600 00	300 00	300 00	.....
April 30, 1860	Pay of Porter to Library, 12th fiscal year.....	100 00	100 00	.....	.....
May 20, 1861	Salary of State Librarian.....	2,500 00	1,458 33	1,041 67	.....
April 30, 1860	Salary of State Librarian, 12th fiscal year.....	416 67	416 67	.....	.....
May 20, 1861	Shelving and Furniture for State Library.....	450 00	300 00	150 00	.....
May 20, 1861	Postage and Expressage for State Library.....	200 00	.....	200 00	.....
	Total for State Library.....	.....	.....	.....	\$10,485 46
	<i>Support of Insane.</i>				
May 20, 1861	Support and Maintenance Insane Asylum.....	84,000 00	28,000 00	56,000 00	.....
April 30, 1860	Support and Maintenance Insane Asylum, 12th fiscal year.	7,000 00	7,000 00	.....	.....
May 20, 1861	Salaries of Physicians.....	8,000 00	4,000 00	4,000 00	.....
April 30, 1860	Salaries of Physicians, 12th fiscal year.....	1,555 57	1,555 57	.....	.....

Total for Support of Insane.....	.....	.....	.....	.....	\$40,555 57
<i>State Reform School.</i>					
May 14, 1862 Support of State Reform School.....	9,442 57	.....	.....	9,442 57	
April 18, 1860 Erection of State Reform School.....	12,205 21	12,182 97	.....	22 24	
May 3, 1861 Completion of State Reform School.....	25,000 00	7,618 37	.....	17,381 63	
Total for Reform School.....	.....	.....	.....	.....	\$19,801 34
<i>Purchase of Bonds for School Fund.</i>					
April 23, 1858 Paid John Perry, Jr.....	11,070 00	11,070 00	.....	.....
April 23, 1858 Paid A. K. Grim.....	7,560 00	7,560 00	.....	.....
Total for Purchase of Bonds.....	.....	.....	.....	.....	\$18,630 00
<i>Suppression of Indian Hostilities.</i>					
May 13, 1861 Payment of sundry claims.....	979 89	149 22	.....	830 67	
Total expended.....	.....	.....	.....	.....	\$149 22
<i>Military Purposes.</i>					
May 20, 1861 Salaries of Members Board of War Examiners.....	1,600 00	1,600 00	.....	.....
May 20, 1861 Sundry Accounts for Advertising.....	203 90	203 90	.....	.....
May 20, 1861 Salary of Clerk Board of War Commissioners.....	750 00	750 00	.....	.....
May 14, 1862 Rent of State Arsenal.....	480 00	.....	.....	480 00	
May 14, 1862 Cleaning and Repairing Arms.....	620 00	.....	.....	620 00	
May 14, 1862 Cartage and Labor for Adjutant General's office.....	200 00	.....	.....	200 00	
Amount carried forward .....	.....	.....	.....	.....	\$472,024 72

EXPENDITURES—Continued.

Date of Act	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
	Amount brought forward.....	.....	.....	.....	\$472,024 72
May 14, 1862	Postage for Adjutant-General.....	\$60 00	.....	\$60 00	
May 14, 1862	Stationery for Adjutant-General.....	85 00	.....	85 00	
May 14, 1862	Stove and fixtures for Adjutant-General.....	27 50	.....	27 50	
May 14, 1862	Porter to Adjutant-General.....	120 00	.....	120 00	
	Total for Military Purposes.....	.....	.....	.....	\$2,553 90
	<i>Relief Purposes.</i>				
May 20, 1861	Education and care of Deaf, Dumb, and Blind.....	7,500 00	\$1,750 00	5,750 00	
May 20, 1861	Benefit of Orphan Asylums.....	13,000 00	12,000 00	1,000 00	
May 8, 1861	Relief of Jerome Madden.....	750 00	750 00	.....
May 13, 1861	Relief of Barney Clark.....	2,980 75	2,978 00	2 75	
April 29, 1861	Relief of John Bell.....	194 70	194 70	.....
May 18, 1861	Relief of John Center.....	12,000 00	12,000 00	.....
April 5, 1861	Relief of J. & S. Wormser.....	3,747 85	3,747 85	.....
April 15, 1861	Relief of Gregory Yale.....	1,100 00	1,100 00	.....
April 8, 1861	Relief of Wormser, (assignees).....	190 40	190 40	.....
May 28, 1861	Relief of J. B. Brady.....	152 00	152 00	.....
April 15, 1861	Relief of M. Branan.....	123 93	123 93	.....
May 20, 1861	Relief of A. R. Meloney.....	841 85	841 85	.....
April 23, 1861	Relief of E. J. Sanders, and others.....	2,000 00	1,875 00	125 00	
April 8, 1861	Relief of William Greenhood.....	241 00	241 00	.....
May 8, 1861	Relief of Greenhood & Newbauer.....	136 00	136 00	.....
May 3, 1861	Relief of L. B. Richardson.....	209 62	209 62	.....
May 8, 1861	Relief of James Sweeney, and others.....	37 05	12 00	25 05	

May 14, 1861	Relief of B. F. Hastings.....	378 12	378 12	.....	.....
May 18, 1861	Relief of J. C. Pennie.....	2,500 00	2,500 00	.....	.....
April 19, 1861	Relief of Home of the Inebriate.....	2,000 00	2,000 00	.....	.....
May 8, 1861	Relief of E. L. Green.....	335 93	335 93	.....	.....
May 8, 1861	Relief of Wells, Fargo & Co.....	95 00	95 00	.....	.....
Mar. 29, 1861	Erection of additional wing to D., D., and B. Institution...	10,000 00	5,162 00	4,838 00	.....
April 29, 1861	Relief of T. R. Eldridge.....	322 95	322 95	.....	.....
May 17, 1861	Relief of W. W. Upton.....	500 00	500 00	.....	.....
May 18, 1861	Relief of Sacramento Gas Company.....	95 30	95 30	.....	.....
May 13, 1861	Relief of Joseph Bridger.....	100 00	100 00	.....	.....
May 13, 1861	Relief of J. W. Mitchell.....	100 00	100 00	.....	.....
May 13, 1861	Relief of C. W. Piercy.....	100 00	100 00	.....	.....
May 18, 1861	Relief of T. R. Eldridge.....	130 50	130 50	.....	.....
May 23, 1861	Relief of J. C. Pelton.....	1,200 00	1,200 00	.....	.....
April 15, 1861	Relief of J. R. Hardenburgh.....	152 20	152 20	.....	.....
April 17, 1861	Relief of J. T. Carey.....	71 25	71 25	.....	.....
April 17, 1861	Relief of J. N. Quinn.....	1,480 00	1,480 00	.....	.....
Total for Relief Purposes.....		.....	.....	.....	\$53,025 60
<i>Miscellaneous Purposes.</i>					
May 20, 1861	Salary of Clerk Board of Examiners.....	900 00	900 00	.....	.....
April 30, 1860	Salary of Clerk Board of Examiners, 12th fiscal year.....	200 00	200 00	.....	.....
May 20, 1861	Salary of Experts Board of Examiners.....	600 00	300 00	300 00	.....
April 30, 1860	Salary of Experts Board of Examiners, 12th fiscal year...	250 00	250 00	.....	.....
May 20, 1861	Contingent Expenses Board of Examiners.....	200 00	.....	200 00	.....
April 30, 1860	Contingent Expenses Board of Examiners, 12th fiscal year	306 13	78 00	228 13	.....
May 20, 1861	Payment of Rewards.....	5,000 00	.....	5,000 00	.....
May 9, 1861	Expenses of Stamp Act.....	5,000 00	4,909 17	90 83	.....
May 20, 1861	Expenses of Stamp Act.....	3,000 00	1,600 00	1,400 00	.....
Amount carried forward.....		.....	.....	.....	\$527,604 22

EXPENDITURES—Continued.

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
	Amount brought forward.....	.....	.....	.....	\$327,604 22
May 20, 1861	Cost and Expenses of State Suits.....	\$1,000 00	\$348 93	\$651 07	
May 20, 1861	Cancelling and Registering Vouchers.....	1,200 00	1,200 00		
May 20, 1861	Prosecution of Delinquents.....	1,000 00		1,000 00	
May 20, 1861	Salary of Stamp Inspector, 12th Fiscal Year.....	906 67	500 00	406 67	
May 20, 1861	Improvement of State Burial Grounds.....	1,000 00		1,000 00	
April 15, 1861	Services to Swamp Land Fund.....	240 00	240 00		
May 20, 1861	Expenses of Geological Survey.....	15,000 00	10,000 00	5,000 00	
April, 1860	Expenses of Teachers' Institute.....	3,000 00	408 00	2,592 00	
Mar. 29, 1860	Construction of State Capitol.....	74,468 22	51,320 26	23,147 96	
May 13, 1861	Reclamation, etc., of Swamp Lands.....	200,000 00	48,329 44	151,670 56	
April 13, 1860	Establishment of Eastern Boundary.....	6,795 23	295 10	6,500 13	
May 16, 1861	District and County Agricultural Societies.....	5,300 00	4,700 00	600 00	
Mar. 26, 1861	Establishment of Eastern Boundary.....	7,150 00	2,400 00	4,750 00	
May 2, 1861	Permanent Improvement of Stock Grounds.....	10,000 00	10,000 00		
May 18, 1861	Printing Report of State Agricultural Society.....	3,400 00	3,400 00		
April 21, 1860	Geological Survey, 12th fiscal year....	5,000 00	5,000 00		
May 18, 1861	Pay of Troops called out by Governor in 1856.....	18,377 82	17,588 19	789 63	
April 30, 1860	Expenses of preparing Bonds under Funding Act of 1860.....	188 00	188 00		
April 30, 1860	Expenses of Stamp Act of 1860.....	1,260 50	604 00	656 50	
May 20, 1858	Support of State Agricultural Society.....	5,000 00	5,000 00		
May 13, 1861	Conveying Election Returns.....	579 00	325 20	253 80	
May 6, 1862	Committee to Washington on Land Business.....	5,000 00	5,000 00		
	Total for Miscellaneous Purposes.....	.....	.....	.....	\$175,084 29

Interest on State Debt.

May 23, 1857 Payment of Coupon No. 7, due January 1, 1862.....
 Payment of Coupon No. 8, due July 1, 1862.....
 April 30, 1860 Paid Coupons for interest due January 1, 1862.....
 Paid for interest due July 1, 1862.....

130,462 50
 130,462 50
 12,100 88
 6,947 50

130,462 50
 130,462 50
 12,100 88
 6,947 50

Total for Interest on State Debt.....

\$279,973 38

Redemption of Civil Bonds.

April 23, 1857 Paid for Redemption of Civil Bonds \$96,500, at 99½ cents..

96,379 37

\$96,379 27

Support of Schools.

Alameda County.....
 Amador County.....
 Butte County.....
 Calaveras County.....
 Colusa County.....
 Contra Costa County.....
 Del Norte County.....
 El Dorado County.....
 Fresno County.....
 Humboldt County.....
 Klamath County.....
 Lake County.....
 Los Angeles County.....
 Marin County.....
 Mariposa County.....
 Mendocino County.....

1,820 26
 1,730 46
 1,537 80
 2,691 50
 502 44
 659 00
 334 20
 2,677 04
 17 50
 611 92
 155 39
 142 50
 2,261 18
 303 50
 673 30
 665 52

1,820 26
 1,730 46
 1,537 80
 2,691 50
 502 44
 659 00
 334 20
 2,677 04
 17 50
 611 92
 155 39
 142 50
 2,261 18
 303 50
 673 30
 665 52

Amount carried forward.....

\$1,079,041 16

EXPENDITURES—Continued.

Date of Act.	APPROPRIATION.	Amount of Appropriation.	Expended.	Unexpended.	Totals.
	Amount brought forward.....	.....	.....	.....	\$1,079,041 16
	Merced County.....	\$194 50	\$194 50	.....	.....
	Monterey County.....	1,529 50	1,529 50	.....	.....
	Napa County.....	1,305 76	1,305 76	.....	.....
	Nevada County.....	2,307 94	2,307 94	.....	.....
	Placer County.....	1,588 40	1,588 40	.....	.....
	Plumas County.....	343 88	343 88	.....	.....
	Sacramento County.....	4,404 60	4,404 60	.....	.....
	San Bernardino County.....	1,650 86	1,650 86	.....	.....
	San Diego County.....	334 20	334 20	.....	.....
	San Francisco County.....	11,712 00	11,712 00	.....	.....
	San Joaquin County.....	2,587 54	2,587 54	.....	.....
	San Louis Obispo County.....	512 96	512 96	.....	.....
	San Mateo County.....	703 94	793 90	.....	.....
	Santa Barbara County.....	622 00	622 00	.....	.....
	Santa Clara County.....	3,479 96	3,479 96	.....	.....
	Santa Cruz County.....	1,261 36	1,261 36	.....	.....
	Shasta County.....	864 48	864 48	.....	.....
	Sierra County.....	667 50	667 50	.....	.....
	Siskiyou County.....	689 20	689 20	.....	.....
	Solano County.....	1,946 20	1,946 20	.....	.....
	Sonoma County.....	3,640 88	3,640 88	.....	.....
	Stanislaus County.....	384 46	384 46	.....	.....
	Sutter County.....	1,439 00	1,439 00	.....	.....
	Tehama County.....	492 06	492 06	.....	.....
	Trinity County.....	292 52	292 52	.....	.....
	Tulare County.....	791 20	791 20	.....	.....

Tuolumne County.....	867 44	867 44	.....
Yolo County.....	1,223 48	1,223 48	.....
Yuba County.....	1,884 26	1,884 26	.....
Total for Support of Schools.....	.....	.....	\$66,505 59
<i>Hospital Purposes.</i>			
Indigent Sick of Sierra County.....	178 88	178 88	.....
Indigent Sick of Contra Costa County.....	59 44	59 44	.....
Indigent Sick of Tehama County.....	48 00	48 00	.....
Indigent Sick of Amador County.....	126 90	126 90	.....
Indigent Sick of Napa County.....	59 89	59 89	.....
Indigent Sick of San Joaquin County.....	143 96	143 06	.....
Indigent Sick of El Dorado County.....	238 01	238 01	.....
Indigent Sick of Alameda County.....	104 96	104 96	.....
Indigent Sick of Calaveras County.....	193 42	193 42	.....
Indigent Sick of San Mateo County.....	44 44	44 44	.....
Total for Hospital Purposes.....	.....	.....	\$1,197 90
Total Expenditures.....	.....	.....	\$1,146,744 65

EXPENDITURES—Continued.

RECAPITULATION.

For what Purposes Expended.	Amounts.
For Executive Department.....	\$69,529 58
For Judicial Department.....	86,549 10
For Legislative Department.....	153,912 42
For State Printing.....	40,627 46
For State Prison.....	31,784 47
For State Library.....	10,485 46
For Support of Insane.....	40,555 57
For State Reform School.....	19,801 34
For Purchase of Bonds for School Fund.....	18,630 00
For Suppression of Indian Hostilities.....	149 22
For Military Purposes.....	2,553 90
For Relief Purposes.....	53,025 60
For Miscellaneous Purposes.....	175,084 29
For Interest on State Debt.....	279,973 38
For Redemption of Civil Bonds.....	96,379 37
For Support of Schools.....	66,505 59
For Hospital Purposes.....	1,197 90
Total Expenditures.....	\$1,146,744 65

EXHIBIT,

[C]
Showing Receipts into the State Treasury during the First, Second, Third, Fourth, Fifth, Sixth, and Seventh, Fiscal Years.

RECEIVED FROM.	First Fiscal Year ending June 30, 1850...	Second Fiscal Year ending June 30, 1851...	Third Fiscal Year ending June 30, 1852...	Fourth Fiscal Year ending June 30, 1853...	Fifth Fiscal Year ending June 30, 1854...	Sixth Fiscal Year ending June 30, 1855...	Seventh Fiscal Year ending June 30, 1856.....
Alameda.....	.....	.....	.....	.....	\$15,816 97	\$17,334 14	\$23,138 94
Amador .....	.....	\$512 43	\$6,064 75	\$6,651 42	7,347 48	9,554 70	23,905 61
Butte .....	.....	.....	3,173 93	10,670 96	35,765 71	15,380 10	16,574 66
Calaveras .....	.....	.....	1,754 09	1,164 76	3,662 95	24,298 54	4,152 17
Colusa .....	.....	9,854 57	9,690 04	9,819 68	8,481 49	5,802 62	6,607 22
Contra Costa.....	.....	.....	.....	.....	.....	9,601 31	7,573 63
Del Norte.....	.....	1,200 00	8,643 93	27,035 52	65,666 02	46,180 61	70,529 15
El Dorado.....	.....	.....	.....	.....	.....	.....	.....
Fresno.....	.....	.....	.....	549 62	3,645 63	3,498 69	1,124 69
Humboldt .....	.....	.....	.....	9,354 53	1,100 00	.....	1,991 77
Klamath	10,037 02	.....	10,593 32	.....	17,051 07	14,051 86	14,936 50
Los Angeles.....	.....	.....	.....	3,298 38	.....	6,357 06	2,152 59
Mendocino.....	4,553 50	.....	4,402 03	6,091 28	14,359 23	12,607 85	26,322 28
Marin.....	858 53	.....	.....	.....	.....	.....	2,771 65
Mariposa .....	.....	.....	.....	5,821 55	9,607 00	7,861 47	6,014 70
Merced.....	16,818 79	.....	9,135 61	.....	.....	.....	.....
Monterey .....	.....	.....	.....	.....	.....	.....	.....
Carried forward.....	\$43,834 84	\$53,457 70	\$80,457 70	\$182,503 55	\$172,528 95	\$207,795 56	.....

EXHIBIT C—Continued.

Showing Receipts into the State Treasury during the First, Second, Third, Fourth, Fifth, Sixth, and Seventh, Fiscal Years.

RECEIVED FROM.	First Fiscal Year ending June 30, 1850...	Second Fiscal Year ending June 30, 1851...	Third Fiscal Year ending June 30, 1852...	Fourth Fiscal Year ending June 30, 1853...	Fifth Fiscal Year ending June 30, 1854...	Sixth Fiscal Year ending June 30, 1855...	Seventh Fiscal Year ending June 30, 1856.....
Brought forward....						\$172,528 95	\$207,795 56
Napa.....	\$43,834 84	\$53,457 70	\$80,457 70	\$182,503 55	7,012 40	8,828 58
Nevada.....	4,149 92	4,790 70	3,326 47	6,697 60	25,229 47	29,011 31
Placer.....	8,310 41	15,822 98	14,630 98	27,211 29	28,913 81
Plumas.....	8,041 61	26,798 95	28,302 73	3,087 05	4,543 90
Sacramento.....	42,092 29	64,939 70	17,977 36	34,704 95	68,024 50	60,128 67
San Bernardino.....	1,528 46	1,104 27	1,034 17
San Diego.....	132,359 29	3,910 50	598 90	1,827 60	3,186 14	3,204 91
San Francisco.....	9,198 30	100,544 54	127,681 79	204,874 39	249,589 56	130,846 71
San Joaquin.....	2,667 74	13,389 97	16,120 25	22,332 46	26,300 61	30,321 65
San Luis Obispo.....	5,086 87	2,245 65	1,353 13	1,693 30	1,555 12	1,656 07
Santa Barbara.....	22,790 07	3,621 26	3,430 34	5,853 64	357 47	.....
Santa Clara.....	4,948 36	16,873 26	2,083 89	15,137 07	30,936 88	29,542 17
Santa Cruz.....	7,903 23	146 30	7,288 40	4,009 60	4,146 25
Shasta.....	5,185 56	2,608 15	8,318 46	10,386 58	11,729 42
Sierra.....	14,544 83	15,074 44	19,509 27
Siskiyou.....	5,001 45	3,327 83	13,157 90	9,685 47
Solano.....	9,580 99	6,897 35	7,522 19	11,583 90	4,530 55	16,224 17
Sonoma.....	4,772 43	4,800 00	9,356 19	13,479 90	12,725 14	9,318 63

Stanislaus.....						2,679 24	3,671 27
Sutter.....						3,585 69	6,467 09
San Mateo.....							12,099 86
Trinity.....						10,326 84	1,058 07
Tulare.....						646 85	35,751 79
Tuolumne.....						25,519 71	
Tehama.....							10,595 24
Yolo.....						4,690 85	43,707 72
Yuba.....						37,682 94	
Foreign Miners' Tax of 1850.....	\$3,156 37						
Governor's Office Rent refunded.....							
State Marine Hospital.....							
Secretary of State's Office.....						1,957 50	2,842 00
State Assayer's Office.....							
City of San Francisco.....						312 50	
A. W. Adams.....							
Controller of State.....							
Pacific Steamship Co.....							
Board of Land Commissioners.....							
Commissioner of Immigrants.....						212,833 56	53 12
Estate of W. W. Scott.....						29,292 50	6,2 95
Estate of G. Brock.....							
United States.....							
Hackett & Judah.....						150,000 00	
						1 00	
Totals.....	\$3,156 37	\$330,796 05	\$366,825 07	\$454,985 84	\$1,022,647 32	\$1,155,537 10	\$723,289 83

EXHIBIT C—Continued.

Showing Receipts into the State Treasury during the Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth, Fiscal Years.

RECEIVED FROM.	Eighth Fiscal Year ending June 30, 1857...	Ninth Fiscal Year ending June 30, 1858...	Tenth Fiscal Year ending June 30, 1859...	Eleventh Fiscal Year ending June 30, 1860	Twelfth Fiscal Year ending June 30, 1861.....	Thirteenth Fiscal Year ending June 30, 1862
Alameda.....	\$15,348 72	\$21,090 99	\$22,717 99	\$22,920 80	\$25,350 86	\$23,414 94
Amador.....	16,815 32	41,773 11	27,368 88	28,854 90	30,052 01	29,682 30
Butte.....	30,189 11	56,774 30	39,429 68	31,508 69	39,459 14	27,909 05
Calaveras	17,396 62	14,999 61	20,901 42	25,487 04	28,698 68	26,392 65
Colusa	5,649 90	9,701 05	12,638 86	12,926 48	14,933 54	9,934 13
Contra Costa.....	7,259 25	13,685 53	14,501 14	19,903 52	13,436 67	13,458 11
Del Norte.....	.....	4,809 28	4,335 23	7,966 16	6,508 88	4,208 60
El Dorado.....	53,278 62	61,888 79	45,885 24	34,698 44	54,964 74	33,858 11
Fresno.....	4,382 45	6,345 38	9,113 99	9,406 36	20,593 08	14,551 55
Humboldt.....	5,574 79	8,302 33	7,685 50	9,756 27	13,210 50	13,936 37
Klamath .....	.....	4,943 60	5,568 58	5,897 31	3,592 88	6,965 52
Lake.....	.....	.....	.....	.....	.....	1,632 01
Los Angeles.....	659 67	21,996 95	13,519 46	13,695 05	14,318 54	9,535 61
Mendocino .....	.....	.....	.....	5,878 27	6,961 78	8,227 67
Marin	3,244 67	9,267 21	9,566 88	13,517 74	14,529 38	3,776 49
Mariposa.....	9,210 44	21,624 77	10,182 95	14,835 89	28,884 40	15,516 37
Merced.....	3,472 63	6,654 93	6,994 48	7,256 75	8,938 01	8,668 38
Monterey.....	8,588 29	5,742 80	4,417 70	5,476 32	6,820 05	5,095 52
Napa.....	10,644 23	14,941 93	16,004 29	19,585 77	28,785 73	22,347 32

Nevada.....	30,384 36	25,050 82	26,124 41	25,273 33	29,084 66	27,095 66
Placer.....	34,878 70	45,894 07	43,532 63	38,736 12	47,240 33	50,739 99
Plumas.....	8,930 29	2,023 77	13,341 53	6,779 65	6,382 04	2,768 90
Sacramento.....	69,783 57	83,628 69	105,789 40	73,723 19	100,568 42	84,476 62
San Bernardino.....	.....	2,402 04	1,475 10	3,228 82	1,144 28	99 21
San Diego.....	2,495 51	2,211 26	2,026 49	4,934 60	1,318 08	1,179 31
San Francisco.....	191,311 26	257,771 04	288,957 22	322,935 79	269,538 34	255,708 78
San Joaquin.....	25,359 12	33,533 51	68,234 15	44,833 41	53,427 31	42,743 86
San Luis Obispo.....	2,153 09	2,371 46	2,708 92	4,602 82	5,399 37	3,910 87
Santa Barbara.....	10,346 81	6,876 43	4,900 19	7,524 25	2,180 77	6,950 63
Santa Clara.....	37,831 39	35,737 05	28,839 11	27,904 13	26,888 21	30,017 12
Santa Cruz.....	5,424 01	7,330 09	5,635 10	6,865 38	6,719 16	3,549 01
Shasta.....	16,113 42	16,953 88	17,406 52	17,655 77	22,985 10	15,521 31
Sierra.....	12,584 15	22,559 68	17,242 35	19,124 51	22,150 40	8,437 08
Siskiyou.....	12,819 80	25,469 18	18,062 25	28,389 15	28,133 97	22,707 98
Solano.....	14,241 30	16,414 65	26,129 63	22,547 02	31,120 68	31,860 05
Sonoma.....	8,172 95	28,783 18	34,262 71	20,725 41	27,782 83	24,403 53
Stanislaus.....	4,348 30	6,565 99	7,394 14	8,040 82	8,190 19	5,115 50
Sutter.....	10,431 08	10,342 57	12,399 14	15,201 43	22,502 19	13,408 88
San Mateo.....	.....	10,803 57	6,605 75	10,664 36	9,714 69	8,928 62
Trinity.....	4,058 17	12,736 06	20,778 67	10,039 07	15,889 97	12,514 98
Tulare.....	.....	4,216 09	4,340 52	9,298 63	16,906 12	6,713 57
Tuolumne.....	38,143 16	43,876 61	29,067 54	31,331 03	27,117 72	21,204 31
Tehama.....	6,632 60	10,550 17	9,209 50	9,955 50	11,197 96	10,266 58
Yolo.....	8,590 17	18,258 37	18,711 36	23,763 52	19,993 06	19,082 93
Yuba.....	42,667 14	51,553 68	36,537 75	36,439 17	37,901 19	31,614 05
Foreign Miners' Tax of 1850.....	.....	.....	.....	.....	.....	.....
Governor's Office Rent, refunded.....	.....	.....	.....	.....	.....	.....
State Marine Hospital.....	.....	.....	.....	.....	.....	.....
Secretary of State's Office.....	.....	.....	.....	.....	.....	.....
Carried forward.....	.....	.....	.....	.....	.....	.....
	2,255 00	1,755 00	2,929 50	2,854 75	3,316 05	3,341 00
	\$791,470 09	\$1,169,610 97	\$1,123,433 85	\$1,131,964 39	\$1,214,831 96	\$1,023,470 43

EXHIBIT C—Continued.

Showing Receipts into the State Treasury during the Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth, Fiscal Years.

RECEIVED FROM.	Eighth Fiscal Year ending June 30, 1857...	Ninth Fiscal Year ending June 30, 1858...	Tenth Fiscal Year ending June 30, 1859...	Eleventh Fiscal Year ending June 30, 1860	Twelfth Fiscal Year ending June 30, 1861...	Thirteenth Fiscal Year ending June 30, 1862
Brought forward.....	\$791,470 09	\$1,109,610 97	\$1,123,433 85	\$1,131,964 39	\$1,214,831 96	\$1,023,470 43
State Assayer's Office.....						
City of San Francisco.....						
A. W. Adams.....						
Controller of State.....						
Pacific Steamship Company.....						
Board of Land Commissioners.....						
Commissioner of Immigrants.....	6,801 50	9,172 50	3,768 00	2,344 00	3,466 00	
Estate of W. W. Scott.....						
Estate of G. Brock.....						
United States.....						
Hackett & Judah.....						
Wharf Privileges.....	20 00					
California Telegraph Company.....	223 46					
W. Neely Thompson.....	1,280 00					
Sales of State Stamps.....		90,755 32	46,313 30	60,476 95	67,864 76	
Sales of School Land Warrants.....		3,520 00				
W. Neely Johnson.....		265 04				
Webber, Ex-Treasurer Nevada County.....		1,804 88				

Wells, Fargo & Co.....	.....	.....	10,025 64	.....	.....	.....	.....	.....	.....
Thomas Gardner.....	.....	.....	6 00	.....	.....	.....	.....	.....	.....
John B. Weller, Governor.....	.....	.....	675 00	.....	.....	.....	.....	.....	.....
State Treasurer.....	.....	.....	.....	.....	.....	3,395 00	.....	4,270 00	.....
Russell, Ex-Treasurer Tulare County.....	.....	.....	.....	.....	.....	402 47	.....	.....	.....
J. J. Tomlinson and Associates.....	.....	.....	.....	.....	.....	.....	.....	20 00	.....
Fees from Register of Land Office.....	.....	.....	.....	.....	.....	.....	.....	1,548 92	.....
Brooks, Treasurer of Yolo County.....	.....	.....	.....	.....	.....	.....	.....	280 25	.....
T. J. Miner, Ex-Treasurer Plumas Co.....	.....	.....	.....	.....	.....	.....	.....	436 74	.....
Interest on School Bonds.....	.....	.....	.....	.....	.....	.....	.....	.....	5,530 00
Judgment against Breyfogle and others.....	.....	.....	.....	.....	.....	.....	.....	.....	953 39
Judgment against Clark and Ingersoll.....	.....	.....	.....	.....	.....	.....	.....	.....	1,567 98
Absence from Pre-emption Claim.....	.....	.....	.....	.....	.....	.....	.....	.....	7 28
Totals.....	\$799,794 99	\$1,215,128 61	\$1,184,221 79	\$1,198,581 81	\$1,292,718 63	\$1,031,529 08			

EXHIBIT C—Continued.

RECAPITULATION.

RECEIVED FROM.	Amounts.
Alameda.....	\$187,134 35
Amador.....	207,006 83
Butte.....	274,800 81
Calaveras.....	211,937 33
Colusa.....	84,775 60
Contra Costa.....	137,264 94
Del Norte.....	28,028 15
El Dorado.....	503,799 17
Fresno.....	64,392 81
Humboldt.....	66,734 77
Klamath.....	30,608 68
Lake.....	1,632 01
Los Angeles.....	149,749 58
Mendocino.....	21,067 12
Marin.....	74,655 93
Mariposa.....	160,493 99
Merced.....	44,156 83
Monterey.....	91,399 80
Napa.....	147,114 94
Nevada.....	256,018 39
Placer.....	380,290 23
Plumas.....	47,857 13
Sacramento.....	805,837 36
San Bernardino.....	12,016 35
San Diego.....	26,893 20
San Francisco.....	2,532,118 71
San Joaquin.....	385,814 60
San Luis Obispo.....	32,317 54
Santa Barbara.....	57,128 66
Santa Clara.....	304,580 35
Santa Cruz.....	63,964 89
Shasta.....	144,864 17
Sierra.....	151,026 71
Siskiyou.....	166,754 98
Solano.....	198,652 48
Sonoma.....	267,582 93
Stanislaus.....	46,005 45
Sutter.....	166,792 51
San Mateo.....	46,716 99
Trinity.....	107,317 05
Tulare.....	44,192 47
Tuolumne.....	286,052 41
Tehama.....	57,812 31
Carried forward.....	\$8,935,361 51

EXHIBIT C—Recapitulation Continued.

RECEIVED FROM.	Amounts.
Brought forward.....	\$8,385,861 51
Yolo	133,341 31
Yuba.....	382,032 69
Foreign Miners' Tax of 1850.....	32,147 57
Governor's Office Rent, refunded.....	1,235 00
State Marine Hospital.....	887 60
Secretary of State's Office.....	25,279 20
State Assayer's Office.....	1,106 07
City of San Francisco.....	69,198 00
A. W. Adams.....	11 03
Controller of State.....	768 00
Pacific Steamship Company.....	12,500 00
Board of Land Commissioners.....	507,789 38
Commissioner of Immigrants.....	196,782 40
Estate of W. W. Scott.....	4,240 31
Estate of G. Brock.....	89 09
United States.	150,000 00
Hackett & Judah.....	1 00
Wharf Privileges.....	20 00
California Telegraph Company.....	223 40
W. Neely Thompson	1,280 00
Sales of State Stamps.....	265,410 33
Sales of School Land Warrants.....	3,520 00
W. Neely Johnson.....	265 04
Webber, Ex-Treasurer of Nevada County.....	1,804 88
Wells, Fargo & Co.....	10,025 64
Thomas Gardner.....	6 00
John B. Weller, Governor.....	675 00
State Treasurer.....	7,665 00
Russell, Ex-Treasurer of Tulare County.....	402 47
J. J. Tomlinson and Associates.....	20 00
Fees from Register of Land Office.....	1,548 92
Brooks, Treasurer of Yolo County.....	280 25
T. J. Miner, Ex-Treasurer of Plumas County.....	436 74
Interest on School Bonds.....	5,530 00
Judgment against Breyfogle and others.....	953 39
Judgment against Clark & Ingersoll.....	1,567 98
Absence from Pre-emption Claim.....	7 28
Totals.....	\$10,779,212 39

[illegible]

EXHIBIT D—Continued.

Showing Expenditures of the Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth, Fiscal Years.

EXPENDED FOR.	Eighth Fiscal Year ending June 30, 1857...	Ninth Fiscal Year ending June 30, 1858...	Tenth Fiscal year ending June 30, 1859...	Eleventh Fiscal Year ending June 30, 1860.	Twelfth Fiscal Year ending June 30, 1861...	Thirteenth Fiscal Year ending June 30, 1862.
Executive Department.....	\$69,010 93	\$106,428 55	\$103,474 95	\$94,587 89	\$76,205 03	\$69,529 58
Legislative Department.....	153,395 07	252,381 44	186,379 23	229,688 42	237,958 59	153,912 42
Judicial Department.....	80,925 68	130,075 35	104,313 14	122,996 20	103,682 89	86,549 10
State Printing.....	64,951 28	83,054 58	45,144 70	49,639 67	31,179 96	40,627 46
Support of Schools.....	88,040 82	67,750 67	48,732 45	84,955 90	85,776 34	66,505 59
Support of Indigent Sick.....	5,760 88	10,224 46	4,735 39	610 87	3,248 26	1,197 90
State Marine Hospital.....	.....	.....	.....	.....	.....	.....
Sacramento Hospital.....	.....	.....	.....	.....	.....	.....
Stockton Hospital.....	.....	.....	.....	.....	.....	.....
Insane Asylum.....	81,983 64	90,106 31	128,059 14	84,435 96	83,644 43	40,555 57
State Prison Purposes.....	113,192 66	169,564 80	87,936 70	22,257 19	363,930 90	31,784 47
State Library Purposes.....	5,523 27	.....	2,549 00	8,924 70	3,837 18	10,485 46
Military Purposes.....	1,517 75	1,089 48	1,015 00	4,946 86	20,552 25	2,553 90
Suppression of Indian Wars.....	7,919 03	325 00	50,960 82	70,124 78	1,112 05	149 22
Construction of State Capitol.....	.....	.....	.....	1,355 96	24,175 82	.....
Erection of State Reform School.....	.....	.....	.....	2,095 55	17,691 46	19,801 34
Interest on State Debt.....	299,100 00	.....	283,628 15	271,950 00	267,680 00	279,973 38
Redemption of Civil Bonds.....	.....	.....	.....	12,480 00	58,142 75	96,379 37

Purchase of Civil Bonds.....	.....	.....	.....	20,937 50	16,570 00	18,630 37
Agricultural Purposes.....	5,000 00	10,000 00	5,000 00	5,000 00	.....	.....
Relief Purposes.....	.....	18,227 18	42,562 26	50,437 03	10,016 00	53,025 60
Miscellaneous Purposes.....	41,882 49	44,325 53	14,642 27	28,293 47	57,286 90	175,084 29
Totals.....	\$1,018,203 50	\$983,353 35	\$1,109,143 20	\$1,165,717 95	\$1,462,690 81	\$1,146,744 65

EXHIBIT D—Continued.

RECAPITULATION.

EXPENDED FOR.	• Amounts.
Executive Department.....	\$1,223,424 70
Legislative Department...	3,237,103 50
Judicial Department	1,333,525 86
State Printing.....	1,270,738 74
Support of Schools.....	546,000 95
Support of Indigent Sick	85,809 90
State Marine Hospital.....	391,237 21
Sacramento Hospital.....	149,741 82
Stockton Hospital	155,582 93
Insane Asylum.....	825,259 59
State Prison Purposes.....	1,546,114 43
State Library Purposes	52,463 06
Military Purposes.....	33,373 34
Suppression of Indian Wars	130,590 90
Construction of State Capitol	25,531 78
Erection of State Reform School.....	39,588 35
Interest on State Debt	1,793,629 28
Redemption of Civil Bonds	922,677 12
Purchase of Civil Bonds.....	56,137 50
Agricultural Purposes	36,500 00
Relief Purposes	344,697 88
Miscellaneous Purposes.....	860,939 57
Totals.....	\$15,060,667 40

[E]

EXHIBIT,

Showing the Annual Assessments of Real and Personal Property, from the Organization of the State Government to the Year 1862, inclusive.

COUNTIES.	1850.	1851.	1852.	1853.	1854.	1855.	1856.
Alameda				\$3,472,837 00	\$4,383,179 00	\$3,558,360 00	\$2,599,751 00
Amador					1,038,443 00		1,740,326 00
Butte	\$268,294 00	\$533,952 00	\$853,966 00	2,024,142 00	1,895,526 00	2,267,209 00	2,347,719 00
Calaveras	266,078 00		808,450 00	2,129,966 00		1,927,977 00	1,975,067 00
Colusa		357,661 00	966,840 00	1,470,131 00	1,505,178 00	1,259,053 10	1,476,317 49
Contra Costa	2,002,410 00	1,753,648 00	3,236,198 00	1,995,192 00	2,330,084 00	1,710,408 00	1,580,136 00
Del Norte							
El Dorado	572,410 00	697,651 00	1,831,801 00	3,660,369 00	3,278,324 00	2,530,488 00	3,018,398 00
Fresno							406,413 50
Humboldt						467,161 00	642,355 00
Klamath		19,770 00	65,370 00	299,984 00	826,119 00		
Lake					393,218 00		
Los Angeles	1,931,403 00	2,187,992 00	2,256,125 00	3,192,487 00	3,659,040 00	2,561,359 00	
Marin	1,006,893 00	756,375 00	932,192 00			901,589 00	1,005,315 00
Mariposa		160,435 00	1,216,557 00	1,681,422 00	1,676,583 00	1,262,987 00	1,931,647 00
Mendocino							
Merced							
Mono						495,017 00	667,672 00
Monterey	3,621,213 00	1,638,208 00	1,546,920 00	1,607,168 00	1,763,787 00	1,189,875 00	1,800,182 00
Napa	918,164 00	803,140 00	1,289,048 00	1,527,902 00	1,404,206 00	2,125,615 00	2,015,205 00
Nevada		686,080 00	956,925 00		1,750,810 00	2,304,019 00	2,558,515 00
Placer		304,192 00	1,265,985 00	1,196,975 00	1,551,757 00	1,804,089 00	2,173,362 87
Plumas					311,003 00		

Sacramento....	8,947,454 00	6,331,024 00	7,232,026 00	8,252,920 00	8,775,966 00	9,297,634 00	10,585,821 00
S. Bernardino....	.....	.....	.....	304,086 00	305,232 00	312,778 19	.....
San Diego.....	396,810 00	820,811 00	424,637 00	.....	699,859 00	.....	.....
San Francisco....	21,621,134 00	17,794,711 00	18,481,737 00	32,377,893 00	35,796,475 00	32,841,027 76	80,368,254 00
San Joaquin....	1,821,489 00	1,715,189 00	2,843,404 00	4,943,891 00	4,174,708 00	4,064,470 00	3,814,968 00
S. Luis Obispo....	577,618 00	460,530 00	512,324 00	421,750 00	516,441 00	380,228 00	498,476 11
San Mateo.....	.....	.....	.....	.....	.....	.....	1,320,333 00
Santa Barbara....	992,676 00	821,000 00	989,686 00	1,136,654 00	952,065 00	837,035 00	.....
Santa Clara....	4,883,295 00	2,934,183 00	3,292,153 00	4,428,976 00	6,582,062 00	5,443,780 00	5,771,417 00
Santa Cruz....	.....	1,184,821 00	1,095,094 00	1,085,400 00	1,470,878 00	1,004,971 00	1,148,249 00
Shasta.....	.....	497,025 00	645,545 00	968,584 00	1,064,362 00	1,658,401 00	1,866,470 00
Sierra.....	.....	.....	657,976 00	777,784 00	1,389,042 00	.....	.....
Siskiyou.....	.....	.....	478,988 00	917,190 00	1,126,763 00	2,218,481 00	.....
Solano.....	2,709,246 00	1,178,756 00	2,896,795 00	3,851,048 00	4,580,498 00	2,794,372 00	.....
Sonoma.....	1,187,672 00	1,627,572 00	1,657,091 00	2,880,309 00	4,098,030 00	3,941,173 00	.....
Stanislaus.....	.....	.....	.....	.....	577,973 00	642,988 00	642,422 00
Sutter.....	1,292,618 00	741,732 00	617,894 00	755,304 00	1,243,148 00	1,763,647 00	1,817,104 00
Tehama.....	.....	.....	.....	.....	.....	.....	1,004,075 00
Trinity.....	.....	215,812 00	233,873 00	526,615 00	477,655 00	642,077 50	.....
Tulare.....	.....	.....	.....	199,914 00	193,137 00	.....	.....
Tuolumne.....	.....	504,927 00	1,620,911 00	2,374,861 00	2,463,986 00	2,453,510 00	2,564,318 00
Yolo.....	269,702 00	599,343 00	1,321,969 00	1,177,625 00	1,990,576 00	2,205,610 00	.....
Yuba.....	2,374,060 00	1,894,412 00	2,280,906 00	3,695,267 00	4,945,517 00	5,109,804 00	5,667,152 00
Totals.....	\$57,670,689 00	\$49,231,052 00	\$64,579,375 00	\$95,335,646 00	\$111,191,620 00	\$103,887,193 55	\$95,007,440 97

EXHIBIT E—Continued.

Showing the Annual Assessment of Real and Personal Property, from the Organization of the State Government to the Year 1862, inclusive.

COUNTIES.	1857.	1858.	1859.	1860.	1861.	1862.
Alameda.....	\$3,020,836 00	\$3,020,836 00	\$3,020,836 00	\$4,381,580 00	\$4,169,834 00	\$3,387,344 00
Amador.....	2,258,494 34	2,258,494 00	2,303,240 00	2,395,684 30	2,607,071 00	2,000,176 00
Butte.....	3,944,862 00	4,307,262 00	4,047,362 50	3,868,474 00	3,851,833 00	2,908,017 00
Calaveras	2,485,798 00	2,421,390 00	2,185,097 00	2,427,795 00	1,934,971 00	2,037,681 00
Colusa.....	.....	.....	.....	.....	.....	.....
Contra Costa.....	1,869,405 00	2,536,617 00	2,425,625 00	2,643,809 80	2,643,809 85	1,581,066 00
Del Norte.....	507,165 00	519,151 00	647,093 00	2,324,863 36	1,980,297 75	1,744,586 00
El Dorado.....	3,129,518 00	2,817,699 00	2,817,699 00	628,009 00	483,707 00	293,875 00
Fresno	383,730 00	579,830 00	653,845 00	931,007 50	1,028,137 00	874,126 28
Humboldt.....	834,650 00	1,068,908 00	1,068,908 00	1,368,517 00	1,368,517 00	1,328,979 00
Klamath .....	.....	.....	.....	365,487 00	365,487 00	365,487 00
Lake.....	.....	.....	.....	.....	373,401 37	320,536 00
Los Angeles.....	.....	2,370,523 00	2,370,523 00	3,065,330 00	3,065,330 00	1,506,152 42
Marin	1,473,187 00	1,473,187 00	1,473,187 00	2,084,575 09	1,796,425 00	1,817,553 00
Mariposa	2,037,589 00	1,185,762 00	1,246,210 00	1,410,347 00	1,367,823 00	1,626,568 00
Mendocino.....	.....	.....	1,641,671 75	1,122,541 00	646,469 00	1,161,773 50
Merced.....	811,721 00	811,721 00	822,431 00	1,116,994 00	1,092,803 00	905,006 00
Mono.....	.....	.....	.....	.....	310,896 00	363,805 00
Monterey	881,188 00	1,066,234 00	1,066,234 00	1,475,094 75	1,475,094 75	1,289,422 02
Napa.....	2,255,401 00	3,015,911 00	3,281,489 00	3,455,658 00	3,147,681 00	2,940,201 00
Nevada.....	3,037,046 00	3,037,946 00	3,037,946 00	4,062,673 00	4,225,085 00	4,447,734 50
Placer	2,226,236 38	2,226,236 00	2,998,219 00	3,078,831 00	3,225,248 96	3,006,453 27
Plumas.....	1,333,605 00	1,333,608 00	786,332 00	906,418 50	904,418 50	1,054,059 75
Sacramento	11,193,945 00	12,053,245 00	12,053,245 00	12,283,767 00	12,076,003 00	8,772,738 00

San Bernardino.....	.....	.....	.....	.....	417,238 00	417,238 00	314,440 00
San Diego.....	.....	.....	.....	528,130 87	528,130 87	528,130 87	468,953 38
San Francisco *.....	39,706,165 00	30,725,950 00	33,777,075 00	35,967,499 00	35,967,499 00	41,845,119 00	66,531,207 00
San Joaquin.....	4,102,815 00	5,019,295 00	5,251,248 00	4,938,400 00	4,938,400 00	4,938,400 00	4,193,420 00
San Luis Obispo.....	666,870 50	649,882 00	1,030,352 75	1,295,915 80	1,295,915 80	805,005 13	512,742 56
San Mateo.....	1,385,217 60	1,432,161 00	1,490,407 00	1,596,408 00	1,596,408 00	1,401,711 00	2,542,205 00
Santa Barbara.....	1,034,643 00	1,090,442 00	1,090,442 00	1,038,645 00	1,038,645 00	1,038,645 00	718,853 00
Santa Clara.....	4,504,328 00	5,131,582 00	5,131,582 00	5,707,795 00	5,707,795 00	5,012,679 00	6,038,376 00
Santa Cruz.....	.....	.....	1,139,649 87	1,290,046 00	1,290,046 00	713,895 00	930,219 00
Shasta.....	1,986,864 00	1,986,864 00	1,986,864 00	1,986,864 00	1,986,864 00	1,564,998 28	1,330,505 67
Sierra.....	2,218,026 00	2,375,932 00	2,184,576 00	2,640,956 11	2,640,956 11	2,580,705 00	3,006,151 00
Siskiyou.....	2,801,370 00	2,801,370 00	2,486,838 00	2,882,392 00	2,882,392 00	2,405,199 00	1,227,297 00
Solano.....	2,502,432 00	2,502,432 00	2,502,432 00	3,882,700 98	3,882,700 98	3,882,700 98	3,248,844 55
Sonoma.....	4,346,320 00	4,346,320 00	5,048,299 75	4,695,483 00	4,695,483 00	4,119,574 00	3,850,677 00
Stanislaus.....	665,182 00	736,662 00	736,662 00	969,870 00	969,870 00	861,912 00	861,912 00
Sutter.....	1,536,716 00	2,104,501 00	2,308,908 00	2,293,759 00	2,293,759 00	2,090,358 00	1,566,775 00
Tehama.....	1,741,331 00	1,939,092 00	1,620,343 00	2,086,213 00	2,086,213 00	2,141,137 00	2,148,944 00
Trinity.....	1,231,056 00	1,320,901 00	1,134,905 00	1,335,815 00	1,335,815 00	1,325,167 00	1,166,414 00
Tulare.....	488,821 00	796,978 00	796,978 00	1,589,529 00	1,589,529 00	1,034,341 72	1,266,489 91
Tuolumne.....	2,894,950 00	3,073,578 00	2,712,280 00	3,312,497 00	3,312,497 00	2,583,125 00	2,588,920 00
Yolo.....	2,235,650 00	2,235,650 00	2,273,388 00	2,416,921 00	2,416,921 00	2,156,146 00	2,261,184 00
Yuba.....	6,335,488 00	5,587,725 00	5,881,725 00	6,419,276 00	6,419,276 00	6,419,276 00	4,623,675 00
Totals.....	\$126,059,461 82	\$123,955,877 00	\$131,060,279 49	\$148,193,540 02	\$147,811,617 16	\$147,811,617 16	\$160,369,071 81

* Henry M. Hale, Auditor of San Francisco, in making his report to this office, of Abstract of Property, makes the following note: "About ten millions consists of mortgages and mining stocks, and with the usual delinquencies and exemptions, it is thought not over forty-five or fifty millions will be promptly paid upon."

Of the Assessment of the Value of Property for the Year 1862, and the Amount of State and County Tax due thereon.

COUNTIES.	Value of Real Estate.	Value of Personal Property.....	Total Value of Prop-erty.....	State Tax thereon at 77 cents on \$100..	County Tax thereon..
Alameda.....	\$2,443,220 00	\$944,124 00	\$3,387,344 00	\$26,082 54	\$48,439 01
Amador.....	1,042,196 00	957,980 00	2,000,176 00	15,401 35	33,002 90
Batte.....	1,708,058 00	1,199,959 00	2,908,017 00	22,891 67	50,890 34
Calaveras.....	942,799 00	1,094,882 00	2,037,681 00	15,690 18	28,119 95
Colusa.....	596,386 00	934,308 00	1,581,666 00	12,174 22	19,763 22
Contra Costa.....	881,721 00	862,865 00	1,744,586 00	13,433 39	29,309 05
Del Norte.....	145,890 00	148,045 00	293,875 00	2,262 84	4,406 89
El Dorado.....	1,493,894 00	1,743,633 00	3,237,527 00	24,928 95	32,375 27
Presno.....	233,370 53	640,755 75	874,126 28	6,731 38	9,877 63
Humboldt.....	604,045 00	724,934 00	1,328,979 00	10,233 16	13,248 59
Klamath & Lake.....	74,212 00	203,801 00	365,487 00	2,813 58	.....
Los Angeles.....	722,587 70	783,564 72	320,536 00	2,468 12	4,423 39
Marin.....	1,164,556 00	652,997 00	1,506,152 42	11,597 47	22,290 76
Mariposa.....	446,764 00	1,179,804 00	1,817,553 00	13,995 47	18,173 93
Mendocino.....	605,982 50	505,638 55	1,623,568 00	12,524 57	.....
Merced.....	305,438 00	600,568 00	1,161,773 50	8,945 65	13,936 66
Monro.....	214,231 00	149,574 00	905,096 00	6,968 53	7,060 01
Monterey.....	448,855 02	740,567 00	303,805 00	2,801 29	2,182 83
Napa.....	1,792,715 00	1,148,197 00	1,259,422 02	9,928 54	23,209 60
			2,940,201 00	22,620 65	25,414 07

Nevada.....	2,273,297 00	2,174,437 50	4,447,734 50	34,247 55	61,378 17
Placer.....	1,069,262 00	1,937,191 27	3,096,453 27	23,149 69	21,947 11
Plumas.....	213,231 75	840,828 00	1,054,059 75	8,116 26	12,648 72
Sacramento *.....	5,458,145 00	3,314,593 00	8,772,738 00	67,550 08	.....
San Bernardino†.....	.....	.....	314,440 00	2,421 21	4,150 67
San Diego.....	138,943 62	330,609 76	468,953 38	3,610 94	4,830 23
San Francisco.....	36,990,654 00	29,540,553 00	66,531,207 00	512,290 29	1,313,991 34
San Joaquin.....	1,159,433 00	1,919,189 00	4,193,420 00	25,999 20	67,406 25
San Mateo.....	1,880,198 00	658,007 00	2,542,205 00	15,731 00	10,168 82
San Luis Obispo.....	278,021 06	234,721 50	512,742 56	3,948 12	13,588 70
Santa Barbara.....	426,739 00	292,123 00	718,853 00	5,534 00	11,501 30
Santa Clara.....	2,671,825 00	1,890,227 00	6,038,376 00	46,494 17	74,273 35
Santa Cruz.....	538,241 00	394,978 0	930,219 00	7,162 68	15,813 72
Shasta.....	127,636 87	1,202,868 80	1,330,505 67	10,244 89	19,691 48
Sierra.....	986,429 00	2,019,722 00	3,006,151 00	23,147 36	56,515 64
Siskiyou.....	368,266 00	769,924 00	1,227,297 00	9,450 18	21,845 29
Solano.....	2,105,326 30	1,143,518 25	3,248,844 55	25,016 09	76,499 33
Sonoma.....	2,447,627 00	1,403,050 00	3,850,677 00	29,650 21	44,282 78
Stanislaus†.....	.....	.....	861,912 00	6,636 63	.....
Sutter.....	527,302 00	795,518 06	1,566,775 00	12,064 16	16,451 24
Tehama.....	820,217 00	1,328,727 00	2,148,944 00	12,893 66	27,936 27
Trinity.....	314,620 00	851,794 00	1,166,414 00	8,981 38	16,329 79
Tulare.....	372,667 00	893,822 91	1,266,489 91	9,751 97	17,477 56
Tuolumne.....	1,187,223 40	1,401,700 00	2,588,920 00	19,934 68	49,966 15
Yolo†.....	.....	.....	2,261,184 00	17,411 11	20,171 87
Yuba.....	2,513,709 00	2,109,966 00	4,623,675 00	35,602 58	87,994 16
Totals.....	\$80,735,855 35	\$72,647,666 01	\$160,369,671 81	\$1,221,963 55	\$2,453,065 14

* County Tax not reported.

† Not separately reported.

‡ No report received for 1862.

[G]
S T A T E M E N T

Of the Condition of the Several Funds June 30, 1862.

Dr. GENERAL FUND.

July 1, 1861	To balance in Fund.....	\$7,191 93
	To receipts during Thirteenth Fiscal Year...	734,786 60
	To amount transferred from Swamp Land Fund.....	200,000 00
		\$941,978 53

Dr. SCHOOL FUND.

July 1, 1861	To balance in Fund.....	\$13,472 03
	To receipts during Thirteenth Fiscal Year...	70,845 51
	To transfer from General Fund.....	2,966 01
		\$87,283 55

[G]

STATEMENT

Of the Condition of the Several Funds June 30, 1862.

GENERAL FUND.

Cr.

June 30, 1862	By Warrants issued Thirteenth Fiscal Year..	\$625,918 71
	By amount transferred to School Fund.....	19,441 21
	By amount transferred to Swamp Land Fund	200,463 82
	By amount transferred to State School Fund	6,327 00
	By amount transferred to Library Fund.....	600 00
	By amount transferred to Interest and Sink- ing Fund of 1857.....	64,723 00
	By amount transferred to Interest and Sink- ing Fund of 1860.....	10,172 16
	By balance in Fund.....	14,332 63
		<u>\$941,978 53</u>

SCHOOL FUND.

Cr.

June 30, 1862	By warrants issued Thirteenth Fiscal Year...	\$66,505 59
	By balance in Fund	20,777 96
		<u>\$87,283 55</u>

STATEMENT G—Continued.

DR. STATE SCHOOL LAND FUND.

July 1, 1861	To balance in Fund.....	\$4,416 05
	To receipts during Thirteenth Fiscal Year...	21,950 11
	To amount transferred from General Fund...	6,327 00
		<u>\$32,693 16</u>

DR. HOSPITAL FUND.

July 1, 1861	To balance in Fund.....	\$3,781 28
	To receipts during Thirteenth Fiscal Year...	2,825 50
		<u>\$6,606 78</u>

DR. LIBRARY FUND.

July 1, 1861	To balance in Fund.....	\$2,331 40
	To receipts during Thirteenth Fiscal Year...	5,739 50
	To amount transferred from General Fund...	600 00
		<u>\$8,670 90</u>

STATEMENT G—Continued.

STATE SCHOOL LAND FUND.

Cr.

June 30, 1862	By amount paid for Civil Bonds.....	\$18,630 00
	By amount paid School Fund.....	863 07
	By balance in Fund.....	13,200 09
		<u>\$32,693 16</u>

HOSPITAL FUND.

Cr.

June 30, 1862	By Warrants issued.....	\$1,197 90
	By balance in Fund.....	5,408 88
		<u>\$6,606 78</u>

LIBRARY FUND.

Cr.

June 30, 1862	By Warrants issued.....	\$7,209 28
	By balance in Fund.....	1,461 62
		<u>\$8,670 90</u>

STATEMENT G—Continued

DR. INTEREST AND SINKING FUND OF 1857.

July 1, 1861	To balance in Fund.....	\$96,406 79
	To receipts, Thirteenth Fiscal Year.....	274,851 42
	To General Fund Transfers.....	64,723 00
		<u>\$435,981 21</u>

DR. SWAMP LAND FUND.

July 1, 1861	To balance in Fund.....	\$22,863 96
	To receipts, Thirteenth Fiscal Year	51,750 02
	To transfer from General Fund.....	200,463 82
		<u>\$275,077 80</u>

DR. SEMINARY FUND.

June 30, 1861	To balance in Fund.....	\$124 10
		<u>\$124 10</u>

STATEMENT G—Continued.

INTEREST AND SINKING FUND OF 1857.

Cr.

June 30, 1862	By redemption of Civil Bonds.....	\$96,379 37
	By Interest and Sinking Fund, 1860.....	2,920 02
	By General Fund.....	19 62
	By payment of interest..	260,925 00
	By Balance	75,737 20
		<u>\$435,981 21</u>

SWAMP LAND FUND.

Cr.

June 30, 1862	By Warrants issued Thirteenth Fiscal Year..	\$53,171 72
	By transfer to General Fund.....	200,000 00
	By balance in Fund... ..	21,906 08
		<u>\$275,077 80</u>

SEMINARY FUND.

Cr.

June 30, 1862	By balance in Fund.....	\$124 10
		<u>\$124 10</u>
		<u></u>

STATEMENT G—Continued.

DR. PUBLIC BUILDING FUND.

June 30, 1861	To balance in Fund.....	\$62 55
		<u>\$62 55</u>

DR. ESTATES OF DECEASED PERSONS.

June 30, 1861	To balance in Fund..	\$89 09
	To receipts, thirteenth fiscal year.....	2 04
		<u>\$91 13</u>

DR. NATIONAL TAX FUND.

May 22, 1862	To receipts into Fund.....	\$155 15
		<u>\$155 15</u>

STATEMENT G—Continued.
PUBLIC BUILDING FUND.

Cr.

June 30, 1862	By balance in Fund.....	\$62 55
		\$62 55

ESTATES OF DECEASED PERSONS.

Cr.

June 30, 1862	By balance in Fund.....	\$91 13
		\$91 13

NATIONAL TAX FUND.

Cr.

June 30, 1862	By balance in Fund.....	\$155 15
		\$155 15

[H]

CONDENSED STATEMENT

Of Balances in the several Funds June 30, 1862.

General Fund.....	\$14,332 63
School Fund.....	20,777 96
State School Land Fund.....	13,290 09
Hospital Fund.....	5,808 88
Interest and Sinking Fund of 1857.....	75,737 20
Library Fund.....	1,461 62
Swamp Land Fund.....	21,906 08
Estates of Deceased Persons.....	91 13
Seminary Fund.....	124 10
Public Building Fund.....	62 55
National Tax Fund.....	155 15
Total.....	\$153,657 39

[I]

ESTIMATE

*Of Receipts from all sources of Revenue during the Fourteenth Fiscal Year,
ending June 30, 1863.*

From State Property Tax (62 cents).....	\$750,000 00
From Federal Property Tax (15 cents).....	140,000 00
From State Poll Tax.....	50,000 00
From Foreign Miners' Licenses.....	140,000 00
From State and County Licenses.....	40,000 00
From Passenger Brokers' Licenses.....	8,000 00
From Stamp Tax.....	100,000 00
From Commutation Tax.....	4,000 00
From Swamp and Overflowed Lands	20,000 00
From State School Lands, " Principal ".....	30,000 00
From State School Lands, " Interest ".....	25,000 00
From Fees from Secretary of State.....	2,000 00
From Fees from Register State Land Office.....	1,500 00
From Federal Poll Tax.....	140,000 00
From Chinese Police Tax.....	12,000 00
Total.....	\$1,462,500 00

[K]

ESTIMATE OF EXPENDITURES

For the Fourteenth Fiscal Year.

SALARIES.

For Salary of Governor.....	\$7,000 00
For Salary of Controller.....	4,000 00
For Salary of Treasurer.....	4,000 00
For Salary of Secretary of State.....	4,000 00
For Salary of Superintendent of Public Instruction.....	3,250 00
For Salary of Attorney-General.....	4,000 00
For Salary of Surveyor-General.....	2,000 00
For Salary of Register of Land Office.....	2,000 00
For Salary of Adjutant-General.....	3,000 00
For Salary of Justices of Supreme Court.....	18,000 00
For Salary of Reporter to Supreme Court.....	4,000 00
For Salary of Secretary to Supreme Court.....	1,800 00
For Salary of State Librarian.....	2,500 00
For Salary of District Judges.....	85,000 00
For Salary of Physicians to Insane Asylum.....	8,000 00
For Salary of Deputy Controller.....	1,800 00
For Salary of Clerks to Controller.....	5,400 00
For Salary of Clerks to Treasurer.....	3,600 00
For Salary of Clerks to Secretary of State.....	4,050 00
For Salary of Clerks to State Land Office.....	4,200 00
For Salary of Clerks to Surveyor-General.....	1,800 00
For Salary of Clerks to Board of Examiners.....	600 00
For Salary of Clerks to Board of War Examiners.....	600 00
For Salary of Clerks to Superintendent of Public Instruction.....	1,800 00
For Salary of Private Secretary to Governor.....	2,400 00
For Salary of Clerk in Governor's Office.....	1,800 00
For Salary of Watchman to Treasury.....	1,200 00
For Pay of Bailiff Supreme Court.....	900 00
For Pay of Porter to Governor ...	600 00
For Pay of Porter to Controller, Treasurer, and Secretary of State.....	500 00
For Pay of Porter to Supreme Court.....	300 00
For Pay of Porter to State Library.....	600 00

RENTS.

For Rent of Governor's Office.....	900 00
For Rent of Office Superintendent of Public Instruction...	300 00

Carried forward..... \$185,900 00

ESTIMATE OF EXPENDITURES—Continued.

Brought forward.....	\$185,900 00
For Rent of Office Surveyor-General.....	720 00
For Rent of Office Adjutant-General.....	360 00
For Rent of Supreme Court Rooms.....	2,000 00
For Rent of State Library Rooms.....	1,000 00
For Rent of State House.....	7,200 00
For Rent of Building, San Francisco.....	4,047 00

CONTINGENT EXPENSES.

For Contingents Governor's Office (special).....	5,000 00
For Contingents Board of Examiners.....	200 00
For Contingents Senate.....	10,000 00
For Contingents Assembly.....	12,000 00

MISCELLANEOUS.

For Expenses of Stamp Act.....	5,000 00
For Support of Insane Asylum.....	84,000 00
For Support of State Prison.....	50,000 00
For Support of Common Schools.....	33,286 00
For Support of Indigent Sick.....	4,000 00
For Expenses of State Suits.....	1,000 00
For Prosecution of Delinquents.....	1,000 00
For Transportation of Prisoners.....	25,000 00
For Printing, Paper and Official Advertisements.....	50,000 00
For Stationery, Fuel, and Lights.....	20,000 00
For Expenses Geological Survey.....	15,000 00
For Postage for Controller's Office.....	250 00
For Expressage for Controller.....	2,500 00
For Postage and Expressage for Secretary of State.....	1,200 00
For Postage and Expressage for Superintendent of Public Instruction.....	600 00
For Postage and Expressage for State Library.....	200 00
For Stationery, Fuel, etc. for Superintendent of Public Instruction.....	200 00
For Purchase of Maps for U. S. Surveyor-General.....	300 00
For Education and Care of Deaf, Dumb, and Blind.....	10,000 00
For Aid to Orphan Asylums.....	13,000 00
For Aid for Benelovent Associations.....	19,000 00
For Translating Laws.....	2,000 00
For Supreme Court Reports.....	4,000 00
For Per Diem and Mileage of Lieutenant-Governor and Senators.....	45,000 00
For Per Diem and Mileage of Assemblymen.....	90,000 00
For Pay of Officers and Clerks of Senate.....	15,000 00
For Pay of Officers and Clerks of Assembly.....	20,000 00
For Payment of Interest on State Debt.....	274,820 00
For Redemption of Civil Bonds.....	130,000 00

Carried forward.....\$1,144,783 00

ESTIMATE OF EXPENDITURES—Continued.

Brought forward.....	\$1,144,783 00
For Agricultural Societies	5,000 00
For General Relief Purposes.....	20,000 00
For Payment of Troops of 1856.....	12,000 00
For Reclamation and Segregation Swamp Lands.....	75,000 00
For State's quota Federal Tax.....	254,000 00
For State Reform School.....	10,000 00
For Suppression Indian Hostilities	17,000 00
For Military Purposes.....	4,000 00
Total	\$1,541,783 00

[L] STATEMENT OF THE TRANSACTIONS

In the Stamp Office, from July 1, 1861, to June 30, 1862, inclusive, showing Amount of Receipts, Expenditures, and Net Revenue.

WHERE SOLD.	Bills of Exchange.....	Policies of Insurance	PASSENGERS.			Attorneys' Stamps....	TOTALS.
			First Class.	Second Class.	Steerage.		
Office of State Controller.....	\$6,442 89	\$20,477 49	\$6,050 00	\$3,040 00	\$8,010 00	\$370 00	\$44,390 38
San Francisco County.....	9,703 49	10,408 48	4,375 36	.....	.....	10 00	24,497 33
Totals.....	\$16,146 38	\$30,885 97	\$10,425 36	\$3,040 00	\$8,010 00	\$380 00	\$68,887 71
EXPENDITURES.		RECAPITULATION.					
Paid Salaries of Clerks.....		\$4,800 00	Total Receipts				\$68,887 71
Paid for Paper, Printing, etc.....		1,709 17	Total Expenditures.....				6,509 17
Totals.....		\$6,509 17	Net Revenue.....				\$62,378 54

[M]

STATEMENT

Of the Funded Debt of 1857.

Amount of Bonds issued by the State Treasurer, under the Act of April 28, 1857.....	\$3,900,000 00
Less amount of Bonds redeemed.....	172,500 00
Amount of Bonds outstanding December 1, 1862.....	\$3,727,500 00

[N]

STATEMENT

Of the Funded Debt of 1860.

Amount of Bonds issued by the State Treasurer, under the Act of April 30, 1860... ..	\$198,500 00
Total.....	\$198,500 00

[O]

STATEMENT

Of the War Debt of the State

Amount of War Bonds and Coupons outstanding December 1, 1862.....	\$558,928 71
Amount of claims audited but not bonded	51,075 57
Total.....	\$610,004 28

NOTE.—The General Government has assumed to pay two hundred and twenty-nine thousand dollars on these bonds.

SUPPLEMENTAL TABLES. .

STATEMENT

Of Warrants issued from July 1, to December 1, 1862.

Drawn on General Fund.....	\$205,169 61
Drawn on School Fund.....	41,216 16
Drawn on School Land Fund.....	6,790 00
Drawn on Federal Tax Fund.....	63,839 31
Drawn on Hospital Fund.....	352 05
Drawn on Library Fund.....	2,278 83
Drawn on Swamp Land Fund.....	42,160 88
Total.....	\$361,806 84

RECEIPTS,

For the Fourteenth Fiscal Year, from July 1, to December 1, 1862.

COUNTIES.	Property Tax of 1858	Property Tax of 1859	Property Tax of 1860	Property Tax of 1861	Property Tax of 1862	Poll Tax of 1861	Poll Tax of 1862
Alameda				\$262 16	\$6,432 69		\$1,181 03
Amador				28 61	3,237 65		587 73
Butte				256 40	3,132 00		1,691 88
Calaveras					5,978 05		2,394 35
Colusa				268 55	6,959 85		650 37
Contra Costa							609 45
Del Norte				11 64	1,050 50		297 80
El Dorado				287 13	7,290 39		5,256 68
Humboldt				75 90	777 41		461 00
Klamath				1,365 65			
Lake				195 05	108 59		157 33
Los Angeles		\$4 61	\$431 06	1,127 91			465 02
Mariposa				27 81	3,447 15		2,398 31
Merced					1,426 59		215 69
Monterey				142 15	4,604 96		606 39
Napa			177 60	668 87	1,050 40		676 74
Nevada			462 96	518 04	10,376 82		2,840 37
Placer					2,696 27		4,173 47
Plumas	\$34 78	302 13		232 53	912 31		1,898 66
Sacramento	77 08	153 79	128 33	733 19			984 79
San Bernardino			34 00	114 90		\$10 27	160 46
San Francisco	4,267 38			4,310 69	52,779 27		2,997 01
San Joaquin				126 17	6,017 92		903 62
San Luis Obispo				1,443 34	13 90		
Santa Barbara				41 18	23 16		169 20
Santa Clara				254 75	31,602 54		2,316 20
Shasta				439 49	1,876 82		1,378 24
Sierra				203 43	11,900 46		2,555 63
Siskiyou				27 30	3,530 78		2,035 08
Solano		77 73	2 24	197 12	13,355 48		1,896 69
Sonoma			148 17	1,520 76	8,683 75		2,194 49
Stanislaus					417 07		377 38
Sutter			10 07	397 07	7,861 52		795 48
Tehama				136 52	10,212 42		946 86
Trinity				113 00	1,093 43		1,735 41
Tuolumne				58 95	3,757 12		2,920 70
Yolo			809 77	218 10	5,373 03		818 21
Yuba					9,990 84		2,508 14
Totals	\$4,379 24	\$538 26	\$2,204 20	\$15,784 36	225,971 05	\$10 27	\$54,255 96

RECEIPTS—Continued.

For the Fourteenth Fiscal Year, from July 1, to December 1, 1862.

COUNTIES.	Auction Duties	Merchants' Licenses.....	Foreign Miners' Licenses.....	Federal Poll Tax	Bankers' Licenses.....	Brokers' Licenses.....	Auctioneers' Licenses.....
Alameda.....				\$2,223 05			
Amador.....		\$55 29	\$9,265 44	667 36		\$87 30	\$12 13
Butte.....			5,300 08	2,999 64		11 65	13 75
Calaveras.....			6,258 56	3,909 31		209 52	
Colusa.....				1,094 75			
Contra Costa.....	\$10 57			1,492 31			
Del Norte.....			462 50	459 20			
El Dorado.....			21,763 69	9,159 52	\$43 65	321 55	
Humboldt.....				708 88			
Klamath.....			1,114 06				
Lake.....				162 38			
Los Angeles.....				958 56	21 28		64 66
Mariposa.....		14 55	5,854 14			72 75	
Merced.....			485 78	379 46			
Monterey.....				841 57			
Napa.....				1,122 68		23 28	24 25
Nevada.....		6 18	2,858 78	7,485 10		191 69	10 30
Placer.....		7 28	13,195 10	6,589 40		184 29	
Plumas.....			5,071 94	2,046 31			
Sacramento.....		185 51	2,039 33	2,777 01	87 30	21 83	32 34
San Bernardino.....				90 94			
San Francisco.....		389 55		12,348 00	80 85	87 30	359 36
San Joaquin.....		29 19	734 56	2,552 66	21 82		96 99
San Luis Obispo.....							
Santa Barbara.....				272 38			
Santa Clara.....		7 28		4,423 87		13 10	48 50
Shasta.....		14 55	2,584 08	2,016 63	21 83	21 82	
Sierra.....			2,152 88	4,324 84		219 10	24 25
Siskiyou.....			4,289 74	3,406 40	87 30	7 28	12 14
Solano.....				3,413 88		23 28	
Sonoma.....				4,207 86			48
Stanislaus.....			812 58	446 98			
Sutter.....				1,424 74			
Tehama.....			651 84	995 22		14 55	
Trinity.....			3,858 28	3,610 73		24 25	
Tuolumne.....			4,238 52	5,236 26		116 40	16 17
Yolo.....				1,233 41			
Yuba.....		43 65	2,324 90	4,508 18	87 30	38 80	12 12
Totals	\$10 57	\$752 94	\$95,316 78	\$99,599 47	\$451 87	\$1,662 04	\$727 44

RECEIPTS—Continued.

For the Fourteenth Fiscal Year, from July 1, to December 1, 1862.

COUNTIES.	Insurance Li- censes.....	Pedlers' Licen- ses	Circus Licenses	Bowling Alley Licenses.....	Billiard Table Licenses.....	Spenders' Li- censes.....	Passenger Pro- prietors' Licenses
Alameda.....				\$4 85	\$53 34		
Amador.....			\$29 10		50 93	\$19 40	
Butte.....			8 24		78 32		
Calaveras.....			30 55		111 30		
Colusa.....					5 82		
Contra Costa.....					9 70		
Del Norte.....					7 29		
El Dorado.....			38 80	4 85	147 93		
Humboldt.....					46 08		
Klamath.....							
Lake.....							
Los Angeles.....		\$7 28			31 52		
Mariposa.....			9 70		92 15		
Merced.....							
Monterey.....					16 97		
Napa.....			14 55		9 70		
Nevada.....			28 87		103 04	10 31	
Placer.....			29 10		111 56		
Plumas.....					31 53		
Sacramento.....			24 25		48 50		
San Bernardino.....				4 88	2 44		
San Francisco.....	\$294 00			14 70	245 00		\$3,235 61
San Joaquin.....			29 10			16 98	
San Luis Obispo.....							
Santa Barbara.....					9 70		
Santa Clara.....			43 65	19 40	97 00		
Shasta.....			14 55		38 80		
Sierra.....			38 80		138 71		
Siskiyou.....					41 23		
Solano.....			43 65	4 85	67 90	7 27	
Sonoma.....			19 40	7 27	29 10		
Stanislaus.....					13 94		
Sutter.....					7 27		
Tehama.....			14 55	4 85	31 50	9 70	
Trinity.....			9 70		43 64		
Tuolumne.....			48 50		145 50		
Yolo.....					9 71		
Yuba.....			14 55	2 43	126 10		
Totals.....	\$294 00	\$7 28	\$189 61	\$68 08	\$2,003 22	\$63 66	\$3,235 61

RECEIPTS—Continued.

For the Fourteenth Fiscal Year, from July 1, to December 1, 1862.

COUNTIES.	Military Tax.	Swamp and Overflow Lands.	State Lands—School Land—Principl.	State Lands—Interior—School Land—Interior.	Theatre Licenses.	Seminary Lands.	Title Lands.
Alameda		\$416 42					
Amador					\$14 55		
Butte			\$642 26	\$295 70	6 18		
Calaveras					39 28		
Colusa		168 90	155 20	186 24			
Contra Costa		4 09					
Del Norte		71 41		124 16			
El Dorado					70 32		
Humboldt		147 46	1,004 20	1,546 76		\$108 74	\$29 00
Klamath							
Lake			38 80	31 04			
Los Angeles			135 80	54 32	12 13		
Mariposa			48 50				
Merced		49 13	499 62	1,041 70			
Monterey		29 02	873 00	349 20			
Napa		152 02	3,220 40	1,637 70			
Nevada					57 70		
Placer		49 67	582 00	807 05	48 50		
Plumas					7 27		
Sacramento		94 67	242 53	442 32	164 90	27 35	
San Bernardino					9 18		
San Francisco			39 20	15 68	49 00		
San Joaquin		962 49	2,964 32	8,497 03	9 70		
San Luis Obispo			231 90	186 24			
Santa Barbara			248 30				
Santa Clara		1,503 97	465 60	186 24	31 53		
Shasta			422 90	290 22	4 85		
Sierra					52 45		
Siskiyou				310 40		217 28	
Solano		541 67	8,060 70	5,886 50			
Sonoma	\$4 12	294 99	4,345 60	768 24	2 43		
Stanislaus		153 12	395 92	186 24			
Sutter		88 84		421 26			
Tehama				224 57		31 04	
Trinity					2 41		
Tuolumne				186 24	38 86		
Yolo		671 17	2,163 75	1,874 29			
Yuba			201 76	62 08	24 25		
Totals	\$4 12	\$5,399 04	\$27,012 26	\$25,611 42	\$675 43	\$384 41	\$29 00

RECEIPTS—Continued.

For the Fourteenth Fiscal Year, from July 1, to December 1, 1862.

COUNTIES.	Public Building Lands.....	Paymaster's Li- censes.....	Intelligence Of- fice Licenses.	School Lands— 10th and 36th Sections.....	Chinese Police Tax
Alameda.....					
Amador.....					\$727 88
Butte.....					864 47
Calaveras.....					773 08
Colusa.....					
Contra Costa.....					
Del Norte.....					
El Dorado.....		\$43 65			1,128 31
Humboldt.....	\$15 52			\$551 99	64 41
Klamath.....					
Lake.....					
Los Angeles.....					
Mariposa.....					1,544 24
Merced.....					2 32
Monterey.....					
Napa.....	31 04				10 09
Nevada.....					668 13
Placer.....					1,217 55
Plumas.....					176 93
Sacramento.....			\$245 00		1,894 21
San Bernardino.....					
San Francisco.....		161 70			
San Joaquin.....					145 10
San Luis Obispo.....					
Santa Barbara.....					17 85
Santa Clara.....					6 98
Shasta.....					202 53
Sierra.....					473 33
Siskiyou.....	93 12				417 49
Solano.....					25 62
Sonoma.....					88 46
Stanislaus.....					90 02
Sutter.....					
Tehama.....					70 62
Trinity.....					310 40
Tuolumne.....					544 75
Yolo.....					31 86
Yuba.....		43 65	7 27		
Totals.....	\$139 68	\$249 00	\$252 27	\$551 99	\$11,497 23

RECEIPTS—Continued.

RECAPITULATION.

COUNTIES.	Amounts.
Alameda.....	\$10,573 54
Amador.....	14,783 37
Butte.....	15,330 57
Calaveras.....	19,704 60
Colusa.....	9,489 68
Contra Costa.....	2,126 12
Del Norte.....	2,472 86
El Dorado.....	45,536 47
Humboldt.....	5,537 35
Klamath.....	2,511 71
Lake.....	693 19
Los Angeles.....	3,242 75
Mariposa.....	13,509 30
Merced.....	4,100 20
Monterey.....	7,463 26
Napa.....	8,819 64
Nevada.....	25,618 29
Placer.....	29,691 24
Plumas.....	10,714 39
Sacramento.....	10,404 23
San Bernardino.....	427 07
San Francisco.....	81,674 30
San Joaquin.....	23,167 56
San Louis Obispo.....	1,905 38
Santa Barbara.....	763 92
Santa Clara.....	41,020 61
Shasta.....	9,327 31
Sierra.....	22,113 88
Siskiyou.....	14,475 54
Solano.....	33,604 58
Sonoma.....	22,315 12
Stanislaus.....	2,893 25
Sutter.....	11,006 25
Tehama.....	13,344 24
Trinity.....	10,801 25
Tuolumne.....	17,307 91
Yolo.....	11,203 40
Yuba.....	19,996 06
MISCELLANEOUS.	
Stamp Tax.....	46,518 83
Interest on School Bonds.....	3,552 50
Estates of Deceased Persons.....	9 80
Court Fees.....	7,793 63
Possessory Claims.....	29 10
Superintendent of Immigration.....	2,412 80
Fees from Secretary of State.....	2,770 00
Fees from Register of Land Office.....	1,361 75
Total.....	\$644,058 80

ANNUAL REPORT
OF
THE STATE TREASURER,
FOR
THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
Sacramento, December 15th, 1862. }

To His Excellency,
LELAND STANFORD,
Governor of California:

SIR:—At the time of the last annual reports of State officers, December fifteenth, eighteen hundred and sixty-one, it was estimated that the outstanding claims for current expenses amounted to two hundred and ninety-five thousand dollars. It was found this estimate was too low, and on the first day of March, eighteen hundred and sixty-two, the Controller estimated such claims at four hundred and fifty-five thousand four hundred and thirty-six dollars. In December, eighteen hundred and sixty-one, the Controller and Treasurer called in all the money lying in the county Treasuries, payable to the State on account of the February and May settlements of eighteen hundred and sixty-two, and placed it all in the General Fund, thus anticipating and using the revenue of eighteen hundred and sixty-two to pay the debts incurred in eighteen hundred and sixty-one, and further crippling the General Fund in eighteen hundred and sixty-two, by requiring it to reimburse to the School, Swamp Land, Interest, and other Funds, the moneys improperly placed in the General Fund in December, eighteen hundred and sixty-one.

The effect of all this was, at the meeting of the last Legislature, to give the General Fund an apparent air of healthfulness which it did not possess, and so even in November, eighteen hundred and sixty-two, many claims accrued against the State as early as one year before, were still unpaid.

Under the first transfer of Swamp Land money, in January, eighteen hundred and sixty-two, the most of the State officers received their salary for said month of January, but from that time until the last of November, eighteen hundred and sixty-two—a period of ten months—State officers, including Judges of the Supreme and the District Courts, received nothing; and then after ten months, only received salary up to July first, eighteen hundred and sixty-two. The other general creditors of the State suffered in like manner; while the State, as to all matters of purchase and contract, outside of salaries, has to pay enhanced prices to cover a loss to its creditors of two or three per cent. a month for

delay in payment. Various officers, on raising money on their claims, *ex necessitate*, have lost, some even as high as thirty per cent.

This passing glance at the financial derangement at the beginning of and during this year, will facilitate an understanding of the accounts of receipts and expenditures, which are as follows :

[A]

RECEIPTS INTO THE STATE TREASURY

From December 14, 1861, to December 14, 1862, inclusive.

Received	Amount.
From County Treasurer of Alameda.....	\$40,636 04
From County Treasurer of Amador	37,908 34
From County Treasurer of Butte.....	37,386 82
From County Treasurer of Calaveras.....	38,384 63
From County Treasurer of Colusa.....	13,362 58
From County Treasurer of Contra Costa.....	15,584 34
From County Treasurer of Del Norte.....	4,884 62
From County Treasurer of El Dorado.....	91,055 34
From County Treasurer of Fresno	11,916 68
From County Treasurer of Humboldt.....	14,567 25
From County Treasurer of Klamath.....	6,340 82
From County Treasurer of Lake.....	2,167 60
From County Treasurer of Los Angeles	12,850 30
From County Treasurer of Marin.....	7,086 68
From County Treasurer of Mariposa	29,513 19
From County Treasurer of Mendocino	12,996 87
From County Treasurer of Merced.....	12,768 58
From County Treasurer of Monterey	8,591 60
From County Treasurer of Napa.....	40,894 62
From County Treasurer of Nevada.....	58,405 83
From County Treasurer of Placer	74,379 04
From County Treasurer of Plumas... ..	15,348 36
From County Treasurer of Sacramento.....	119,520 74
From County Treasurer of San Bernardino.....	526 28
From County Treasurer of San Diego	1,017 23
From County Treasurer of San Francisco.....	259,250 35
From County Treasurer of San Joaquin.....	59,240 23
From County Treasurer of San Luis Obispo.....	5,085 73
From County Treasurer of San Mateo.....	6,216 02
From County Treasurer of Santa Barbara	4,557 95
From County Treasurer of Santa Cruz.....	2,006 83
From County Treasurer of Santa Clara.....	53,435 58
From County Treasurer of Shasta.....	22,087 21
From County Treasurer of Sierra.....	23,737 48
From County Treasurer of Siskiyou.....	30,247 51
From County Treasurer of Solano.	49,771 95
From County Treasurer of Sonoma.....	46,578 51
From County Treasurer of Stanislaus.....	5,592 05
From County Treasurer of Sutter.....	13,783 47
Carried forward	\$1,289,685 25

Brought forward.....	\$1,289,685 25
From County Treasurer of Tehama.....	17,043 39
From County Treasurer of Trinity.....	23,718 55
From County Treasurer of Tulare.....	11,226 40
From County Treasurer of Tuolumne.....	36,959 95
From County Treasurer of Yolo.....	19,416 75
From County Treasurer of Yuba.....	65,581 79
From Secretary of State.....	5,255 00
From State Treasurer, Interest on Bonds.....	6,317 50
From Adjutant-General.....	645 00
From Superintendent of Immigration.....	4,409 10
From Stamp Inspectors.....	612 00
From Register of State Land Office.....	1,361 75
For Stamps.....	62,374 93
For Fishing Licenses.....	
Total Receipts.....	\$1,544,607 36
Amount on hand December 14, 1861.....	489,784 48
Total.....	\$2,034,391 84

[B]

P A Y M E N T S

From December 14, 1861, to December 14, 1862, inclusive.

GOVERNOR'S OFFICE.

Salary of Governor.....	\$6,472 21	
Salary of Governor as Member of Board of Examiners, 1861.....	500 00	
Salary of Private Secretary to Governor.....	3,193 80	
Salary of Clerk to Governor.....	750 00	
Salary of Clerk to Board of Capitol Commissioners.....	836 00	
Salary of Clerk to Board of Examiners.....	1,150 00	
Salary of Clerk to Board of Stamp Commissioners.....	250 00	
Special Contingents of Governor.....	4,328 80	
Contingents of Governor.....	236 59	
Rent of Rooms of Governor.....	487 50	
Porter of Governor.....	700 00	
Total.....		\$19,404 90

SECRETARY OF STATE'S OFFICE.

Salary of Secretary.....	\$3,750 00	
Salary of Secretary as Member of Board of Examiners, 1861.....	500 00	
Salary of Clerks.....	6,210 00	
Salary of Stamp Clerk.....	3,800 00	
Salary of Clerk to Stamp Commissioners.....	1,400 00	
Salary of Porter.....	219 30	
Contingents.....	269 25	
Postage.....	454 72	
Total.....		\$16,603 28

CONTROLLER'S OFFICE.

Salary of Controller.....	\$3,749 99	
Salary of Controller as Member of Board of War Examiners, 1861.....	600 00	
Salary of Deputy Controller.....	2,850 00	
Salary of Clerks.....	9,881 67	
Carried forward.....		\$36,008 18

PAYMENTS—Continued.

Brought forward		\$36,008 18
Salary of Stamp Clerk.....	\$3,006 67	
Salary of Porter.....	205 56	
Expressage and Postage.....	1,000 00	
Prosecution of Delinquents.....	1,042 55	
Contingents	391 73	
Total		\$22,728 17
TREASURER'S OFFICE.		
Salary of Treasurer	\$3,749 99	
Salary of Treasurer as Member of Board of War Examiners, 1861.....	600 00	
Salary of Clerks.....	6,920 50	
Salary of Watchman.....	2,300 00	
Salary of Porter.....	150 00	
Contingent.....	306 99	
Repairs of Office.....	480 00	
Cancelling and Registering Vouchers, 1861.....	1,200 00	
Total		\$15,707 48
ATTORNEY-GENERAL'S OFFICE.		
Salary of Attorney-General.....	\$3,011 10	
Salary of Attorney-General as Member of Board of Examiners, 1861.....	750 00	
Salary of Clerk.....	750 00	
Salary of Porter.....	87 50	
Rent of Office.....	280 00	
Contingents	129 44	
Total		\$5,008 04
ADJUTANT-GENERAL'S OFFICE.		
Salary of Adjutant-General	\$2,183 31	
Salary of Clerks.....	3,525 00	
Rent of Office.....	320 00	
Contingents.....	994 54	
Pay of Troops at San Francisco, 1856.....	10,187 34	
Porter.....	108 00	
Total		\$17,318 34
SURVEYOR-GENERAL'S OFFICE.		
Salary of Surveyor-General	\$2,000 37	
Carried forward		\$96,770 21

PAYMENTS—Continued.

Brought forward.....		\$96,770 21
Salary of Draughtsman.....	\$2,120 00	
Salary of Clerk.....	750 00	
Rent of Office.....	360 00	
Porter in Office.....	300 00	
Contingents.....	190 16	
Purchase of Maps of U. S. Surveyor-General..	660 00	
Copying Maps of U. S. Surveyor-General	500 00	
Salary as Register of State Land Office.....	1,772 62	
Salary of Clerks.....	6,015 00	
Contingents.....	509 63	
Clerical Expense.....	600 00	
Total		\$15,777 78
SUPERINTENDENT OF PUBLIC INSTRUCTION.		
Salary of Superintendent.....	\$3,489 97	
Salary of Clerk.....	3,100 00	
Rent of Office	210 00	
Postage and Expressage.....	189 76	
Stationery, Fuel and Lights	223 46	
Total.....		\$7,213 19
STATE LIBRARY.		
Salary of Librarian.....	\$2,500 00	
Salary of Porter.....	864 00	
Contingents.....	323 14	
Postage and Expressage.....	146 89	
Rent of Rooms.....	499 99	
Shelving and Furniture.....	300 00	
Rebinding Books	556 60	
Total		\$5,190 62
SUPREME COURT.		
Salary of three Judges.....	\$18,999 99	
Salary of Bailiff.....	480 00	
Salary of Porter.....	449 00	
Salary of Secretary.....	2,550 00	
Salary of Reporter.....	3,999 99	
Rent of Rooms.....	1,333 33	
Reports of Decisions	4,000 00	
Contingents.....	483 35	
Total		\$32,295 82
Carried forward.....		\$157,247 62

PAYMENTS—Continued.

Brought forward.....	\$157,247 62
DISTRICT COURTS.	
Salary of seventeen Judges.....	\$75,972 34
Total	\$75,972 34
SENATE.	
Per Diem and Mileage of Lieutenant-Governor and Senators.....	\$35,961 00
Pay of Officers and Clerks.....	9,391 00
Postage and Expressage	1,075 00
Contingents	5,705 09
Total	\$52,132 09
ASSEMBLY.	
Per Diem and Mileage of Members	\$72,117 00
Pay of Officers and Clerks.....	9,707 00
Postage and Expressage	2,050 00
Contingents	6,493 47
Total	\$90,367 57
STATE PRISON.	
For Support of State Prison.....	\$35,080 25
For Transportation of Prisoners.....	9,242 24
Total	\$44,322 49
PRINTING.	
State Printing and Official Advertisements.....	\$58,034 02
Translating Laws into Spanish.....	2,000 00
Total	\$60,034 02
STATE HOUSE.	
Stationery, Fuel and Lights.....	\$12,987 80
Rent of State House.....	7,200 00
Total	\$20,187 80
Carried forward.....	\$500,263 93

PAYMENTS—Continued.

Brought forward.....	\$500,263 93
CAPITOL.	
Construction of State Capitol.....	\$33,580 69
Total	\$33,580 69
ESTATES OF DECEASED PERSONS.	
Legatees of De Leeurr.....	\$2,286 67
Total	\$2,286 67
MISCELLANEOUS.	
Survey of Eastern Boundary.....	\$2,400 00
Costs of suits where the State is a party.....	2,336 03
Geological Survey.....	10,000 00
Salary of Stamp Inspectors.....	1,306 72
Total	\$16,042 75
DONATIONS.	
Improvement of Stock Grounds	\$10,000 00
State Agricultural Society.....	5,000 00
District and County Agricultural Societies.....	3,700 00
Support of Insane Asylum.....	49,000 00
Salary of Resident Physician	5,000 00
Salary of Visiting Physician	3,000 00
Roman Catholic Orphan Asylum, Los Angeles..	1,000 00
Roman Catholic Orphan Asylum, San Francisco	5,500 00
Protestant Orphan Asylum, San Francisco.....	5,500 00
Erection of Building for Deaf, Dumb, and Blind	4,838 00
Education and Support of Deaf, Dumb, and Blind	3,604 17
Erection of State Reform School.....	22,048 72
Support of State Reform School.....	51 71
Home of Inebriates.....	2,000 00
Improvement of State Burial Grounds.....	500 00
California State and Overland Telegraph.....	6,000 00
Total.....	\$126,742 60
RELIEF.	
Relief Bills, etc.....	\$21,288 52
Total.....	\$21,288 52
Carried forward.....	\$700,205 16

PAYMENTS—Continued.

Brought forward.....	\$700,205 16
SCHOOLS.	
For Support of Common Schools.....	\$75,290 34
Total... ..	\$75,290 34
SCHOOL LANDS.	
For State Bonds for School Fund.....	\$36,215 00
Total.....	\$36,215 00
HOSPITALS—(Counties.)	
For Benefit of the Sick.....	\$2,157 71
Total.....	\$2,157 71
STATE LIBRARY.	
For sundry Expenses.....	\$6,982 39
Total.....	\$6,982 39
INTEREST ON BONDS OF 1857.	
For Payment of Coupons.....	\$391,387 50
Total.....	\$391,387 50
INTEREST ON BONDS OF 1860.	
For Payment of Coupons.....	\$25,995 88
Total.....	\$25,995 88
SWAMP LANDS.	
Reclamation of Swamp and Overflowed Lands..	\$58,846 63
W. H. Parks, Commissioner to Washington.....	5,000 00
Total.....	\$63,846 63
NATIONAL TAX.	
National Tax.....	\$63,839 31
Total.....	\$63,839 31
Total Payments.....	\$1,365,919 92

[C] CONDENSED STATEMENT OF RECEIPTS AND PAYMENTS.

13

FUNDS.	Balances on hand December 14, 1861....	Receipts from December 14, 1861, to January 2, 1862, inclusive.....	Total Amount.....	Transfers to.....	Paid on Warrants....	Transfers from.....	Balances on hand January 2, 1862.....
General Fund.	\$12,015 54	\$249,231 11	\$261,246 65	\$19 62	\$237,770 50	\$9,104 84	\$14,390 93
School Fund.....	30,824 77	1,120 78	31,945 55	.....	.....	.....	31,945 55
Hospital Fund.....	4,815 28	.....	4,815 28	.....	.....	.....	4,815 28
Military Fund.....	863 29	.....	863 29	.....	.....	.....	863 29
Library Fund.....	2,891 78	.....	2,891 78	.....	882 23	.....	2,009 55
Interest and Sinking Fund of '57.	186,613 46	1,457 84	188,076 30	.....	.....	2,939 64	185,136 66
Interest and Sinking Fund of '60.	.....	.....	.....	12,009 88	.....	.....	12,009 88
Swamp Land Fund.....	233,725 33	1,227 43	234,952 76	14 98	1,144 00	.....	233,823 74
School Land Fund.....	17,940 94	857 04	18,797 98	.....	.....	.....	18,797 98
Estates of Dec'd Persons Fund..	89 09	.....	89 09	.....	.....	.....	89 09
Totals.....	\$489,784 48	\$253,894 20	\$743,678 68	.....	\$239,796 73	.....	\$503,881 95

CONDENSED STATEMENT OF RECEIPTS AND PAYMENTS—Continued.

FUNDS.	Balances on hand January 2, 1862.....	Receipts from January 2, 1862, to December 14, 1862, inclusive	Total Amount.....	Transfers to.....	Paid on Warrants.....	Transfers from.....	Balances on hand December 14, 1862....
General Fund.....	\$14,390 93	\$649,572 71	\$663,963 64	\$200,863 29	\$461,878 06	\$299,528 32	\$103,420 55
School Fund.....	31,945 55	83,483 95	115,429 50	20,113 21	75,290 34	.....	60,252 37
Hospital Fund.....	4,815 28	4,409 10	9,224 38	.....	2,157 71	.....	7,066 67
Military Fund.....	863 29	.....	863 29	.....	.....	863 29	.....
Library Fund.....	2,009 55	5,900 00	7,909 55	600 00	6,656 76	.....	1,852 79
Int. and Sinking Fund of 1857.	185,136 66	276,458 69	461,595 35	64,723 00	391,387 50	.....	134,930 85
Int. and Sinking Fund of 1860.	12,009 88	13,774 77	25,784 65	1,082 30	25,995 88	.....	871 07
Swamp Land Fund.....	233,823 74	21,237 23	255,060 97	206,782 41	62,702 63	200,000 00	199,140 75
School Land Fund.....	18,797 98	36,604 82	55,402 80	6,227 40	36,215 00	.....	25,415 20
Estates of Dec'd Persons Fund	89 09	11 84	100 93	.....	.....	.....	100 93
Seminary Fund.....	.....	539 55	539 55	.....	.....	.....	539 55
Public Building Fund.....	.....	233 27	233 27	.....	.....	.....	233 27
National Tax Fund.....	.....	198,487 23	198,487 23	.....	63,839 31	.....	134,647 92
Totals.....	\$503,881 95	\$1,290,713 16	\$1,794,595 11	.....	\$1,126,123 19	.....	\$668,471 92

A large portion of the foregoing payments were for demands accrued before the inauguration of the present Governor, and now the expenses connected with most of the State offices are greatly decreased.

For example, during the year eighteen hundred and sixty-one, the expenses of the Secretary of State's office were :

Salary of Secretary of State.....	\$3,500 00
Salary of Secretary of State as Capitol Commissioner.....	1,000 00
Salary of Secretary of State as Member of Board of Examiners	1,000 00
Salary of Clerks.....	6,000 00
Salary of Porter.....	225 00
Salary of Stamp Clerk.....	2,400 00
Contingents.....	300 00
Copying laws, etc.....	1,300 00
Total.....	\$15,725 00

For eighteen hundred and sixty-two the expenses are :

Salary of Secretary of State.....	\$4,000 00
Salary of Clerks.....	3,600 00
Salary of Porter.....	158 00
Contingents	150 00
Stamp Clerk.....	2,400 00
Copying laws, etc.....	450 00
Total.	\$10,758 00

Which shows a reduction of nearly thirty-three per cent.

STATE DEBT.

The State Debt is as follows :

Bonds of 1857.....	\$3,727,500 00	
Bonds of 1860	198,500 00	
Due School Fund, on sales.....	475,520 00	
Due School Fund, for interest	50,433 70	
Outstanding claims, as ascertained by the Controller, Dec. 1, 1862.....	489,780 00	
Total civil debt.....		\$4,941,733 70
Due on war bonds and coupons issued previous to 1857, estimated at.....		220,000 00
Due on war bonds since 1857, payable when appropriated by Congress		338,930 01
Amount audited by the War Board, not bonded.....		68,621 05
Total debt.....		\$5,569,284 76

The income of the State for the past two years has not been sufficient to pay current expenses, and efficient means must be devised to raise the requisite money.

The Chinese police tax of last winter failed. The Chinese fishing licenses have failed to bring money as was reported last winter, since which time a new Collector has been appointed, with no change of result as to the State Treasury.

The tax on immigrants, as collected and paid by the Superintendent of Immigration, has, the past year, brought in only four thousand four hundred and nine dollars and ten cents.

The Stamp Inspectors paid, the last year, into the Treasury, only six hundred and twelve dollars, which is not enough to cover their expenses.

So it seems that various devices for filling the Treasury without raising the rate of taxation, fail to accomplish the end; and it is probably true of States, as with individuals, that a deficit should be squarely met, and promptly paid by additional tax on the main sources of income.

The failure to raise the rate of taxation last year, has caused the State to purchase all its supplies at higher rates than ready money would have secured, and made a loss to the employees of the State of from ten to thirty per cent. of their just due.

The Insane Asylum has been forced to pledge its appropriation months ahead, to raise money, at two per cent. a month interest; and the State Prison Directors have not been enabled, for want of money, to make so striking a saving as, with it, they would have done. And, look where you will, the evidence is abundant to show the bad policy of the State dealing on an indefinite credit, which ranges from three to fifteen months.

APPROPRIATIONS.

This state of affairs is not caused by the increased expenses this year, for the appropriations were, exclusive of that for swamp lands:

In 1859	\$894,635 90
In 1860	1,253,841 68
In 1861	870,868 55
In 1862	750,260 71

Showing a great reduction this year, compared with the preceding years.

The simple truth is, the State revenue is not sufficient, and if not increased, we must soon submit another funding law to the people. The alternatives of this are, to reduce the Legislative session to, say, sixty days—make no donations, and bring Government to its simple function of administering law, or to repudiate.

COLLECTION OF TAXES.

The assessment of property in the State shows one hundred and sixty millions three hundred and sixty-nine thousand seventy-one dollars and eighty-one cents of value. On this the tax is sixty-two cents on the one hundred dollars, and deducting twenty-five per cent. for expenses of assessment and collection, the income ought to be seven

hundred and ninety-five thousand two hundred and eighty-eight dollars and twenty-five cents; but, as the Controller informs me, it is only three hundred and twenty-nine thousand nine hundred and nineteen dollars and eighty-three cents up to this time. The tax to pay the national quota is fifteen cents on the one hundred dollars, and ought to produce two hundred and forty thousand five hundred and fifty-three dollars and sixty cents; but the Controller shows only seventy-nine thousand eight hundred and nineteen dollars and thirty-one cents paid to this time.

The voters in the State at the election of eighteen hundred and sixty-one were one hundred and nineteen thousand, and many others (Chinese and other foreigners) pay poll taxes—so about one hundred and thirty thousand ought to pay a poll tax of two dollars each for the National Tax, and deducting twenty per cent. for expenses and loss, the net income ought to be two hundred and eight thousand dollars; but the Controller finds that the State has received only one hundred and six thousand eight hundred and seventy-five dollars and forty-seven cents for National Poll Tax.

How is this? Are our tax collectors in a conspiracy not to collect National Poll Taxes, or are our people disloyal to the number of fifty thousand?

CONTROLLER'S WARRANTS.

A law of the last Legislature prohibited the issuance of Controller's warrants unless the money is on hand to pay them. So creditors have only audited claims as evidence, and on sale of them give powers of attorney—which powers, in the Controller's and Treasurer's offices, accumulate to an inconvenient number, and to no appreciable benefit. If warrants were issued on all claims when audited, it would much simplify the business, and facilitate collections by creditors.

The immediate cause of said prohibition was, that the annual appropriation Acts contain such a provision as to the appropriations under these acts, while other special appropriations, not having a like clause, had warrants at once issued and registered—thus giving them the character of preferred claims. A repeal of the said general prohibition of last session, and an omission to insert the same in any appropriation Act whatever, will remedy the evil and place all creditors on an equal footing, to be paid in the order their claims matured. To the State it matters nothing; its dues may as well stand in the form of warrants as of audited claims.

Under the militia law of last session, the Military Auditors have the auditing of all expenses under the militia law, and there is no limitation as to the amount, and it is all payable from the General Fund.

There has been, as yet, no amount drawn under this law; but the Military Board has unlimited power to draw upon the Treasury, an authority which, it seems to me, must have been inadvertently conferred; for it places the purse of the State entirely at the disposal of the Military Department.

At the last session of the Legislature no appropriation was made for the transportation of prisoners to the State Prison, and Sheriffs of counties have now to do that service, and incur much expense with no provision for payment.

The appropriation has heretofore been twenty-five thousand dollars annually.

SCHOOL FUND—PRINCIPAL.

As stated to the Legislature at its last session, there is due to the School Fund as principal for land sold for Controller's warrants previously to eighteen hundred and fifty-eight, the sum of four hundred and seventy-five thousand five hundred and twenty dollars, which debt is of as high obligation as any debt covered by the Funding Act of eighteen hundred and fifty-seven, and simply was not funded at that time for fear of making the State Debt appear too large. It is now wise and just that provision should be made for the ultimate payment of this principal debt to the School Fund. A funding law for the same might be submitted to the people, but I incline to think the mode I heretofore suggested is better, that is, "whenever bonds of the Civil Funded Debts of the State are redeemed as provided in the funding laws, they, to the amount of four hundred and seventy-five thousand five hundred and twenty dollars, shall not be cancelled, but shall be placed in the School Fund, and held in the same manner, and with the same effect, as are the bonds directly purchased for said School Fund." This will gradually repay this principal to the School Fund, without adding to the nominal amount of our funded debts. During this process, as heretofore, the State should annually appropriate to the Schools the interest due on the principal not so converted into bonds.

SCHOOL FUND—INTEREST.

In May last there was appropriated the sum of thirty-four thousand two hundred and ninety-four dollars and forty cents, for interest due the Schools for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, eighteen hundred and sixty, and eighteen hundred and sixty-one. Of this, one half, seventeen thousand one hundred and forty-seven dollars and twenty cents, has been paid; the balance remains due.

When it is recollected that this interest is as justly due as that on our State bonds, and ought to be as punctually paid, the failure to make payment is anything but flattering to the pride, or creditable to the honor, of the State.

In May last, also, there was appropriated for the interest due the Schools for the year eighteen hundred and sixty-two, the sum of thirty-three thousand two hundred and eighty-six dollars and forty cents, and of this nothing has been paid. The wording of these appropriations is faulty in designating it as interest due the School Fund in certain *fiscal years*, when, in fact, the interest commences with January first, each year; and the last aforesaid appropriation is for the year eighteen hundred and sixty-two, and not for the Fourteenth Fiscal Year.

WAR DEBT SINCE EIGHTEEN HUNDRED AND FIFTY-SEVEN.

The War Bonds issued by this State under the Act of eighteen hundred and fifty-seven, and the Acts amendatory thereof, amount to the sum of three hundred and thirty-eight thousand nine hundred and thirty dollars and one cent, and are payable, without interest, when Congress appropriates the means.

In March, eighteen hundred and sixty-one, Congress appropriated four hundred thousand dollars for expenses of Indian hostilities in this State, and under our State law of May sixth, eighteen hundred and sixty-one, the Commissioners of the War Debt, (Denver and Smith,) and their

Clerk, (Phelan,) repaired to Washington, with all the vouchers then on hand, to account with the officers of the United States Treasury Department, and receive, under said appropriation, payment of so much of said bonds and of the money claims of this State, as possible. Mr. Phelan, Clerk of said Commissioners, arrived at Sacramento, September third, eighteen hundred and sixty-two, and on the fifth of September, eighteen hundred and sixty-two, handed me the authentic statement of the settlement so far as made with the United States. The United States auditing officers required the original vouchers to be presented, not considering the bonds issued by the State of California sufficient proof; and the sequel was, that the War Board of California had audited many claims, and many bonds had been issued, that the United States will not pay.

The Bonds issued are.....	\$338,930 01
Certificates and audited claims not bonded.....	68,621 05
Money paid by California, and appropriations unpaid	156,207 85
Making a total of.....	\$563,758 91
And the amount allowed by the United States is only.....	\$229,987 67

Thus the State has paid money and issued bonds and certificates for the sum of three hundred and thirty-three thousand, seven hundred and * seventy-one dollars and twenty-four cents more than is allowed by the United States. The said sum allowed by the United States of two hundred and twenty-nine thousand nine hundred and eighty-seven dollars and sixty-seven cents, it is expected, will liquidate the sum of four hundred and forty-nine thousand six hundred and five dollars and seventy-four cents, leaving one hundred and fourteen thousand, one hundred and fifty-three dollars and seventeen cents not provided for.

Now although those bonds and certificates are not nominally a direct charge on the State treasury, still no man experienced in the history of such claims, will doubt that ultimately the State must pay all these bonds and certificates not provided for by the United States. There is this appearance of right, at least, in the State paying these bonds and certificates: it has provided a War Board of Examiners, who audit such claims, and issue certificates thereon. On those certificates the Treasurer is required to issue bonds, which the Controller is required to countersign, and the Governor to indorse and affix thereto the great seal of State. The bonds issued with this array of authority and formality are thrown on the market, and fall into the hands of innocent purchasers. Is all this intended as a grand farce? and are the victims of the joke to be the purchasers of paper impressed with all the muniments that usually indicate a real pledge of the faith of the State? The War Board and the State Officers, in auditing claims and issuing bonds thereon, are acting under compulsion of law, and I suggest a repeal of these laws, or a great modification of them, so that hereafter the War Board shall not audit claims not payable by the United States.

The amount audited and allowed by the United States, two hundred and twenty-nine thousand, nine hundred and eighty-seven dollars and sixty-seven cents, is distributed as follows:

To State on cash payments.....	\$73,538 25
On Bonds.....	126,338 92
On certificates and claims not bonded.....	27,110 50
Total.....	\$229,987 67

Since Mr. Phelan's return in September last, he has been continuously engaged in calculating and distributing the amounts allowed by the United States.

This has been no light task, for many of the certificates issued by the War Board were only allowed in part, and many were rejected, and a large number of the bonds were issued on more than one certificate, so that part of a bond is payable in some instances and the balance is worthless; also, some of the certificates are not bonded, and the allowances on those had to be reserved from the total allowances on bonds; and in some instances, the United States allowed more than the State had issued certificates for, so that all in all, the elaboration of this matter has been a tedious and difficult labor, without which, the proper payment of the sums allowed would be impossible. This work, not yet completed, Mr. Phelan has undertaken in expectation that the Legislature will give him adequate compensation, and I earnestly recommend that it be done, for without the aid of his labors, it will be impracticable to make payments, at least, until the like computations are again made, which will be a work of several months.

The law of Congress making the appropriation out of which said two hundred and twenty-nine thousand nine hundred and eighty-seven dollars and sixty-seven cents is to be paid, provides for payment in six per cent. bonds; since then the law for the issuance of Legal Tender Notes was passed, (February, eighteen hundred and sixty-two,) and such notes may be paid by the United States for all its dues. After being notified of the allowance of said two hundred and twenty-nine thousand nine hundred and eighty-seven dollars and sixty-seven cents, I arranged with Wells, Fargo & Co.'s Express to bring from Washington to California the bonds expected to be paid on said allowance, the compensation to Wells, Fargo and Co. to be determined by the Legislature. There was no other mode to me known by which the amount allowed could be transferred into the State Treasury; and upon Wells, Fargo & Co. delivering to the State Treasury the two hundred and twenty-nine thousand nine hundred and eighty-seven dollars and sixty-seven cents in bonds or notes of the United States, the Legislature should allow liberal compensation therefor.

If bonds be sent, insurance on the same against war risks may not be necessary, for in case of loss, duplicates may be issued, but in case notes are paid by the United States, then insurance becomes necessary to cover their transmission, for otherwise their loss will be irretrievable.

In case of such insurance, the Express Company must themselves pay the premium in money, and for the same the Legislature should make prompt indemnification. Copies of the documents connected with this requisition for said two hundred and twenty-nine thousand nine hundred and eighty-seven dollars and sixty-seven cents are hereto annexed, marked A, B, C. [See Appendix.] Since the drawing of said draft, I have been informed by the General Agent of Wells, Fargo & Co., Mr. Louis McLane, that upon presentation of the same for payment at Washington, it was

stated that bonds could not be paid thereon, but that payment would be made in United States notes; and considering that all *dues* from the United States, except interest, are payable in notes, I directed the notes to be received. As to whether actual payment has since been made or not, I am not informed. The payment of Treasury Notes will be a convenience at the State Treasury, since the allowances on bonds and certificates is in all sorts of fractional sums, and the notes are much more adaptable than bonds to the liquidation of the claims; while to the holders of these claims, the notes being at pleasure convertible into bonds, it is a question of no moment.

WAR DEBT BEFORE EIGHTEEN HUNDRED AND FIFTY-SEVEN.

The War Bonds issued under Acts previous to that of eighteen hundred and fifty-seven, were payable in May, eighteen hundred and sixty-two. In eighteen hundred and fifty-four, Congress passed a law appropriating nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents for Indian war expenses in California, and the sum so appropriated was the amount of War Bonds of this State outstanding, with interest due thereon to January first, eighteen hundred and fifty-four. No successful attempt to have our bonds paid under said appropriation took place until eighteen hundred and fifty-six, when the War Bond Commissioners of this State visited Washington, and finding that the United States, pursuant to its ordinary course, would require the original claims to be established on which our bonds were issued, and that not being in all cases practicable, as many bonds were issued on vouchers considered insufficient at Washington, the Board succeeded in getting passed a law of Congress exempting our bonds from the ordinarily strict rules of auditing, and making the bonds themselves *prima facie* sufficient to insure their payment by the United States. Thus time passed from eighteen hundred and fifty-four, and no payment was made until September first, eighteen hundred and fifty-six, at which time our Commissioners, after notice given, caused to be paid all the bonds presented, that is, the amount appropriated by Congress, being the principal and interest of the bonds up to January first, eighteen hundred and fifty-four.

Thus it will be seen that the interest on these bonds from January first, eighteen hundred and fifty-four, to September first, eighteen hundred and fifty-six, was not provided for, and not paid. Our Commissioners certified the face of the bonds and the coupons up to said January first, eighteen hundred and fifty-four; and as to the interest from January first, eighteen hundred and fifty-four, to September first, eighteen hundred and fifty-six, the coupons for that period were detached, and were left with or returned to the parties who held the bonds. This interest was due before the bonds were paid, and the return of these detached coupons seems business like and correct.

True, the State might perhaps have driven a bargain, and required the bond holders to surrender all their coupons in consideration of a part being paid; but the law did not require it, and the Commissioners did not assume the responsibility of so doing, while the mode they adopted was just in fact and correct in principle. It has been said that these coupons were not returned to the holders, but that the Commissioners colluding with them, made the retention of these coupons a matter of speculation; no proof of this has been offered, and I believe it untrue. But if it were true, it does not alter the case so far as the State is concerned.

The interest was due, not paid, not provided for, and the coupons not called in. How, then, does it concern the State what the holders chose to do with their coupons.

The first section of our State law of eighteen hundred and fifty-six, giving the Commissioners authority, provided that they should act under the then law of Congress or any subsequent one passed during that session of Congress. Congress did pass the supplemental one referred to, and under it the Commissioners acted.

This was the law passed August eighteenth, eighteen hundred and fifty-six, and under it the Treasurer of the United States paid directly to the bond holders, the Commissioners simply certifying the amount due.

They, under the Act of Congress, could do nothing else; and as to the "taking off" the unpaid coupons (now called detached coupons), that was expressly provided for by the Act of Congress.

But admit that the Commissioners did not pursue the course the State expected of them, and their derilection, if so it was, is a matter between them and the State, and does not invalidate the unpaid coupons; and that the State was satisfied with the course of the Commissioners is shown by the fact that after their doings in this behalf were published and well known, the Legislature of this State in eighteen hundred and sixty-one directed and appointed these same Commissioners to repair to Washington and make settlement for the remainder of our War Debt, mostly represented by the bonds issued since eighteen hundred and fifty-seven. To me the result of all this matters nothing, but I cannot avoid the conclusion that the State is in honor bound to pay those detached coupons (one hundred and seventy-two thousand eight hundred and sixty-eight dollars and fifty-four cents), and whatever of the bonds (about forty thousand dollars) remain unpaid.

SWAMP LANDS.

The money transferred during the last session of the Legislature from the Swamp Land Fund to the General Fund, has all been returned. So far as I know, the payments from the Swamp Land Fund are entirely for expense of the Commission and for surveys, nothing having been paid for levees or the practical work of reclamation, except eighteen thousand one hundred and fifty-seven dollars and ninety cents expended the present season at Sacramento. Perhaps the best plan is to place all money coming from Swamp Lands in the General Fund, and let the State pay it out hereafter in the appropriate sums whenever the various local authorities shall actually perform their share of reclamation.

This will insure the full payment of all this money for purposes of reclamation, so soon as needed for the purpose. Perhaps the Boards of Supervisors of the counties where swamp lands lie are the fittest persons to be entrusted with this business.

The total payments from the Swamp Land Fund to this date, is the sum of eighty-five thousand four hundred and three dollars and sixty-nine cents. The practice of making these transfers, annually, has the disadvantage and works the injustice of making certain claimants against the State, preferred creditors, to the detriment of the rest.

STATE CAPITOL.

The total amount appropriated for building a State Capitol, up to this time, is one hundred and fifty thousand dollars—all of which, except a trifling amount, has been expended. The work performed is of the best character, and had sufficient means been at command, the building might now be very far advanced. But so long as its progress depends upon appropriations from the General Fund—which fund is greatly in arrears—the process of construction must halt.

The present accommodations for the Legislature, Supreme Court, and State officers, are glaringly inadequate; and the records of State and the State Library are far from being in that state of security which their importance demands. All which facts show the urgency of a speedy completion of the State Capitol. Is not the wisest way to provide means for this purpose, the laying a small State tax, the proceeds to be devoted exclusively to the construction of the Capitol? The General Fund is unable to bear the burden, and this mode will insure the necessary means and avoid any objection that we are increasing the State debt, which is already up to its constitutional limit.

A tax of one mill on a dollar, or ten cents on each one hundred dollars of taxable property, assuming its valuation to be, in round numbers, one hundred and fifty millions of dollars, will give an annual income of one hundred and fifty thousand dollars, which sum is none too much to expend annually until the Capitol is completed.

NATIONAL TAX.

On the thirtieth of September last I paid to the United States the amount then in the Federal Tax Fund, and the facts connected with this payment were reported to the Controller on November first, eighteen hundred and sixty-two, of which report the following is a copy:

SIR:—The warrant for sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, which amount was to be paid to the United States Assistant Treasurer at San Francisco, on account of the Federal or National Tax—an obligation assumed by the State of California—was duly paid.

But, as said Assistant Treasurer, under his construction of his duties, refused to come to the seat of the State Government, either to receive from the Controller the warrant for said amount, or payment of the same, it became necessary to pay the same at San Francisco, and that on or before the thirtieth day of September, A. D. eighteen hundred and sixty-two, to secure the State the deduction of ten per cent. allowed by Act of Congress—which deduction was the consideration for this State itself making the collection. Consequently, on the thirtieth September ult., I paid to D. W. Cheesman, United States Assistant Treasurer at San Francisco, the said amount of sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, and as the State is entitled to a deduction of ten per cent., the payment was, in effect, seventy thousand nine hundred and thirty-two dollars and fifty-six and two-third cents—nine-tenths being actually paid, and one-tenth being the State per centage. The receipt given for said payment is only for the amount actually paid, as said Assistant Treasurer said the reduction allowed must be settled with the auditing officers at Washington. Said Assistant Treasurer, on the thirtieth September, eighteen hundred and sixty-two,

after counting the money so paid and giving change therefor, (sixty-nine cents,) declined giving his receipt for the same until he should be so instructed by the Secretary of the United States Treasury, and on said September thirtieth he so telegraphed to the said United States Secretary, and on the seventh October received reply instructing him to receive said sum.

In addition to said ten per cent. deduction, I have, from the amount placed in my hands, saved the further sum of four thousand four hundred and eighty-six dollars and thirty-nine cents, which on your order I propose to place in the State Treasury.

Under the Act of February twentieth, eighteen hundred and fifty. I suppose this last named sum would go into the General Fund; but as the National Tax is not all paid, I think it advisable not to place this money in that fund until it is known that the receipts into the Federal Tax Fund during the approaching settlements of the County Treasurers will be fully sufficient to pay said tax, as in case of deficiency I think this money should first be applied to the payment of said Federal Tax.

If my desire could be gratified, a donation of this money should be made to the Nation for the purpose of further assisting it in this time of peril, and as this would require the assent of the Legislature, it is for you to consider if it be not advisable to hold this money unused until Legislative direction can be had.

The total of Federal Tax assumed by the State is.....	\$254,538 66 $\frac{2}{3}$
The payment actually made is.....	63,830 31
The deduction to which the State is entitled is.....	7,093 25 $\frac{2}{3}$
Total.....	\$70,932 56 $\frac{2}{3}$

Leaving the amount still to be paid by the State, one hundred and eight-three thousand six hundred and six dollars and ten cents.

The saving to the State at this payment has been said deduction of 10 per cent	\$7,093 25 $\frac{2}{3}$
And said sum saved on payment of.....	4,486 39
Total.....	\$11,579 64 $\frac{2}{3}$

This includes every cent saved, and it was impossible to make it greater under the circumstances.

It is true the last Legislature anticipated saving a greater sum, but as the State failed to make any payment in June last, on which payment it would be entitled to fifteen per cent. deduction, and as it had not sufficient money to make full payment in September, ten per cent. was lost on the deficiency, for all which there was no remedy; the collections under the State laws being made too late to enable the State to receive the full benefits offered by Congress, and intended to be secured by the Legislature when it provided for the State to pay the tax.

Since completing said payment to the United States this is the first

report made from this office, and I avail myself of the first opportunity as provided by law, to advise you of the facts.

D. R. ASHLEY,
State Treasurer.

This money, (sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents,) was drawn from the Treasury, and placed in my hands; that is, sixty-two thousand two hundred and sixty nine dollars and thirty-one cents in coin, and one thousand five hundred and seventy dollars, in United States Notes, received from San Francisco for Federal Poll Taxes, before the decision of our Supreme Court in the case of Perry vs. Washburn was known. Fifty-seven thousand seven hundred and eighty-four dollars and thirty cents in coin, was exchanged for sixty-two thousand two hundred and seventy dollars in United States notes, and that, with one thousand five hundred and seventy dollars of the notes received from San Francisco, makes sixty-three thousand eight hundred and forty dollars which was paid to the United States, and sixty-nine cents in change returned, making a saving of four thousand four hundred and eighty-six dollars and thirty-nine cents. as reported to the Controller.

The law of the United States levying this direct tax, did not intend its collection in coin, for it expressly provides that the States may offset claims they have against the United States, (V. LL. 1861, page 311, section 53.) and subsequently, May thirteenth, eighteen hundred and sixty-two, (V. LL. 1861-2, page 384.) Congress further allowed the State to offset claims for expenses in assisting to suppress the rebellion, if such claims were filed before July thirtieth, eighteen hundred and sixty-two. All such claims so allowed as offsets, were payable by the United States in notes, so the receiving the claims was the same in effect as receiving those notes for the tax. But further: the Act of Congress of February twenty-fifth, eighteen hundred and sixty-two, (V. LL. 1861-2, page 345,) expressly provides that these notes shall be received by the United States for all taxes and dues, except duties on imports. Hence, these notes are properly and legally payable for this direct tax, and so the United States authorities expected, and have ruled, for the Secretary of the Treasury so directed the United States Assistant Treasurer at San Francisco, October seventh, eighteen hundred and sixty-two. Indeed, said Assistant Treasurer, on the thirtieth of September last, received said notes, counted them, and returned change, sixty-nine cents, and upon being requested to give receipt for the amount paid, sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, and also for the ten per cent. to which California was under the law of Congress entitled, he went from his office to consult on the question of the receipt, the notes remaining in his office and in his possession; and, after about one hour and a half. he returned, and then, for the first time, he said he would consult by telegraph with the Secretary of the Treasury as to whether said notes were receivable. He did so, and received the instructions before stated. Upon the Assistant Treasurer determining to so consult by telegraph, the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents in notes, so tendered and paid him, were in his office, placed in a sack, and sealed up by his Clerk in his presence, and so remained sealed until opened by his Clerk on the eighth day of October last, after the reply of the United States Secretary was received.

one thrown away and its place supplied by another wrenched from the toiling masses, who, in the end, produce all the wealth we have. And it is not mean for a State in debt to be prudent and saving of its money.

The people paid their tax to the State in coin, because the law was so, or at least because it was so understood. But the State, although it collected in coin, pays the United States in notes, and the difference remains in the Treasury, an equal benefit to all the tax-payers of the State; for so much money as is saved lessens so much their future taxation. As to the amount saved, the State receives the whole benefit, and any imputation to the contrary is grossly without foundation.

The amount could not be made greater, because in loyal California the National credit has not sunk so low as some supposed and hoped.

In the greater part of the nation where United States notes are the circulating medium, and gold and silver are articles of trade, gold is quoted at so much premium, payable in United States notes; this is not to say that notes are at the same nominal discount, for gold, at a premium of thirty per cent., gives a discount of only twenty-three per cent. on notes, and the premium being sixteen per cent., the discount is only thirteen per cent.

This discount is less than history shows has ruled on the notes of the Bank of England in times of peril, and yet the notes of that bank proved good, as will those of the United States, and misgivings to the contrary do not spring from that strong loyalty and patriotic devotion which are the nation's hope, and will be its palladium against treason, be that treason arrayed in open arms or covertly attacking the credit of the Government.

If the United States disbursed in California a sufficient amount of its notes to supply the demand, their value, as compared with gold, would not vary much from what it is in New York; but it not being so, the notes imported by private parties rule the market price, and to get the notes requires some considerable expense. The gold in exchange must be shipped and insured to New York against war as well as other risks, and the notes must be likewise insured in their transit, which insurance and freight, each way, will amount to four or five per cent., making say nine per cent., then add one per cent. interest for one month consumed in the exchange, and say two per cent. for profit to the importer, being in all twelve per cent.; and when notes are at eighteen per cent. discount in New York, they will sell here at six per cent. discount only, until the demand is supplied, which it is not yet, and will not be until we have notes enough to pay our taxes under the Internal Revenue Act, our freights from the Eastern States, and all other indebtedness for which notes are receivable.

When gold is at twenty per cent. premium in New York, as it was in September last, the discount on notes at New York was sixteen per cent., and deducting ten or twelve per cent. for freight, insurance, and profit to the private importer, and notes will range in California from four to six per cent. discount.

Premium on gold and discount on notes are not numerically correlative terms, as might to many persons at first appear. The discount is always less, using notes for the currency of trade. Besides, the supply being small, if any considerable demand for notes suddenly arises here, they sell for very much increased rates, for the reason that the source of supply is so distant that nothing can be drawn thence to supply an emergency.

To me it seems clear that as the law of the United States contemplated

the receipt of the notes in payment of the twenty million dollars of direct tax, the people of California should have been allowed to pay their quota of that tax in such notes into the State Treasury; but as they did not so pay to their own State, was it not right for the State to so pay the nation, reserving the amount saved for the equal benefit of those same tax-payers?

It has been supposed that the case of *Perry vs Washburn*, in our Supreme Court, decides against the receipt of United States notes by the State at all; but a Court only decides a case as it is presented, not as it might have been presented, and that case shows that Perry made a tender of notes in payment of the Federal tax, so called, State taxes, and County taxes, in gross as a whole.

The State Revenue Law of 1861 requires all taxes under that Act to be paid in coin; so the tender of those taxes in notes was not good. To make a tender good it must be good in toto. The tender of Perry was not good, at least as to part; therefore it was null entirely, and the Court so decided correctly. Had the tender in notes been of the so called Federal tax only, as to which tax the State law prescribes no particular kind of money in which it shall be paid, then the facts would have been different, and the decision of the actual case does not control the supposed one.

In one sense a tax is a debt—in another it is not; still, in whichever sense it is, as to this matter taken, it does not, to me, seem necessarily to decide the receivability of notes for taxes.

When a law levies a tax and does not declare in what kind of money it shall be paid, it is payable in any lawful money; that is, in what the law declares to be money, and *money* is entirely the creature of law.

The law of the United States declares, as I understand it, that these notes are *lawful* money, and if this be so, they might have been received for all taxes not expressly required by law to be paid in other money; but the tender in the case referred to did not present this distinction.

That a State may prescribe in what kind of money or commodity its taxes must be paid, is true; otherwise a State Government is powerless, and its very existence depends on the caprice of the National Government, which may at any time, by a currency regulation, destroy State Governments, and centralize all governmental authority practically in itself.

But so long as a State does not use its right to determine the kind of money receivable for taxes, *money*, as defined and declared by the National Government, may probably be paid.

UNITED STATES NOTES.

The Revenue Act of eighteen hundred and sixty-one was passed before the issue of United States Legal Tender Notes, and other tax laws of the State were passed, not in view of a national paper currency; but now that we have one, what shall be done? The United States pays out on this coast, say, four or five millions of dollars a year, and all this will likely be in paper, and the collections of the Government under the Internal Revenue Law will be in paper, the numerous employees of the nation on this coast will receive their pay in paper—many creditors must accept payment in notes; and struggle against it as we may, it will be found that leagues by commercial men, and combinations by bankers and brokers, to discourage the use of notes as currency, and keep them depreciated, and subject the mass of people to annoyance and alarm for

speculative purposes, will fail in the long run, for sooner or later some members of those leagues and combinations will find it a matter of profit to make payment of their debts in notes, and then the bubble will burst.

The legal currency of the country must be accepted, or we must separate from the Government. Our pretense of being loyal, while we are stabbing the Government credit, is hollow. It deceives no thinking man, and does more to cripple the nation and aid the rebellion than an army of open Secessionists could do. We are safe, while the heart of the people is right, but lead them to believe that Government money is worthless, or at least suspicious, and that its power to redeem these notes is doubtful, and that California must guard herself against the acceptance of these notes, without which the nation could not maintain itself, and the work of treason is done.

Most nations in time of war have been forced to issue paper money, and its success in many instances has been unquestionable—true, great loss, too, has sometimes come from its use, but those who really wish to see our Government maintained, and have confidence in the right, will willingly trust the chance.

If the Government falls, we lose almost everything at best, and this matter is trifling; if it succeeds, the notes are good as gold.

The use of these notes aid the Government, and now when our country is in the crisis of her fate, can we cavil? and will we place any obstacle, be it ever so little, in the way of her triumph?

The State is a land proprietor, and has sold lands, receiving part payment, and contracting to receive the rest with interest in instalments.

The Attorney-General of the State, upon his opinion being requested, has given it officially that for Swamp and School Lands the State must receive payment in United States notes if offered.

The opinion of the Attorney-General is undoubtedly correct, unless the United States notes are unconstitutionally issued and declared legal tender.

As to the sales of these lands, the State is subject to the same law as an individual—it is a matter of contract, and if a private person must receive these notes in payment on contract, so must the State.

The escape from this result is to establish the nullity of these notes as lawful money, and who will do it? Will the Supreme Court? And if it does, and the United States Supreme Court reverses the judgment of our State court, who then will take the responsibility of redressing California's wrongs?

Will the Governor call out the militia, and accept volunteers, to expel the soldiers and destroy the power of the oppressive and tyrannical National Government?

So be it then; but I am not on that side. I do not appreciate the great *wrongs* California has suffered from the Federal authority, nor the injustice she will bear by submitting to the common laws of the Union. California will be made no exception as to the effect of these laws, and it is useless to ask Congress that in California these notes shall have a different legal standing from what they have in other States.

Gold is throughout the world accepted as money on account of its convenience for that purpose, and because the laws of most countries declare it money, not because it is naturally money; as taken from the earth it is simply a valuable mineral, and is the subject of commerce; it is useful to make finger rings, snuff boxes, and ornaments, and for gilding, etc.; it becomes *money* when impressed in certain form by authority of some Government. Our Government has a Mint at San Francisco, and so

makes money of a part of our gold; but suppose no more were coined, gold will remain just as valuable as heretofore for export. Because we produce large quantities of gold, it does not follow that our circulating medium ought to be exclusively metallic. We produce large quantities of potatoes. Must they be money? Must soap be stamped, and pass as money, as it has been in some places, simply because we produce it? This is a homely *reductio ad absurdum*. We should use that money which the convenience and exigency of our country require. United States notes are a necessity as money, so declared by our highest governmental authority, and resistance to their use in cases provided by law, is, *pro tanto*, rebellion. The use of notes as currency in California will work no great hardship, for business will speedily adapt itself to the same; and our gold will rule at a premium, as it does in New York. We shall accept the laws, customs, and habits of our common country, and be a homogeneous part of the same, bearing our share of its burdens, and enjoying equally with others the fruition of its maintenance.

The strict deductions of the political economists may be cited against using the notes, as they may also against submitting to the tariff. Well, then, if these dogmas are dearer to us than the Union, the conclusion is, separation and rebellion. I do not choose it; but prefer to remain an American citizen, and to live under the old flag.

The United States, as a protection to its credit, pays the interest on its debt in coin. The same, I think, should be done by this State, and as to the rest, United States notes should be received and paid by the State as money.

San Francisco paid its interest in July last, at New York, in notes, and so saved a small amount to its Treasury. Who felt outraged, and who deluged the country with diatribes on account of this transaction? Since then, San Francisco has determined to pay its interest in coin. It is well that interest should be so paid, for our State and municipal bonds are, to some extent, held in foreign countries, where our notes are not current.

Our donations to the National Sanitary Fund have been changed into notes, thus increasing the amount received by the donees; and so notes are continually used by business men as a monetary convenience, or a source of profit to the one who pays or the one who receives.

Why should not our State accept the actual condition of things without murmur, and use these notes, except for payment of its interest?

The interest taxes now are on each one hundred dollars of property for the funded debt of eighteen hundred and fifty-seven, thirty cents; funded debt of eighteen hundred and sixty, one and one-fourth cents, and there should be collected for the debt due the School Fund, two and three-fourth cents, making, in all, an interest tax of thirty-four cents to be paid in United States coin, while all other taxes and dues to the State may be paid in Legal Tender Notes, if the Legislature deems it just and advisable.

The issue of these notes is only a temporary expedient necessitated by the condition of the country, and they are not intended as a permanent National currency.

Being exchangeable for United States Bonds at the option of the holder, the notes will, in that manner, when the necessity of Government no longer requires their reissue, be retired from circulation, and be no longer an element in our currency.

Few nations have escaped a crisis that required such an expedient, and no nation more than our own deserved the support and countenance of its people as to the measure.

AMOUNT OF TAX.

An Act of Congress of July first, eighteen hundred and sixty-two, provides that the direct tax of twenty millions of dollars we have been paying this year, shall, after this payment, be suspended until April first, eighteen hundred and sixty-five; thus during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, the Federal direct tax may be discontinued in this State, which will facilitate the raising our property tax to, say, eighty-five or ninety cents on the one hundred dollars, without materially increasing the total of taxation as levied this year. That our tax should be increased is evident from the fact that the appropriations each year from the General Fund exceed the amount that, under present laws, comes into that Fund. Such was the case in eighteen hundred and sixty-one, and so it is the present year. In eighteen hundred and sixty-one the payments from the General Fund, together with the audited claims unpaid at the date of the annual reports, amounted to one million seventy thousand six hundred and seventy-four dollars and thirty-four cents, while the receipts for the same period into the General Fund were only six hundred and forty-seven thousand nine hundred and nine dollars and forty-two cents, showing excess of liabilities, that year, over receipts, of four hundred and twenty-two thousand seven hundred and sixty-four dollars and ninety-two cents, less twelve thousand and fifteen dollars, cash on hand. During the present year the deficit of receipts has not exceeded two hundred thousand dollars, and yet the floating debt has increased, simply from the fact that we commenced with a large amount of it and did not have the nerve to increase the General Fund to a sum sufficient to pay current expenses.

This habit of deliberately incurring expenses greater than we have any reasonable ground to expect our income will be, savorers of profligacy, and certainly cannot be indulged in now that the fact is established.

COLLECTIONS.

Our taxes, property and poll, are not closely collected, but, since the Legislature has for years, without success, endeavored to make the collections approximate the amount levied, we may despair, perhaps, of much improvement in that respect. Governor Downey, in his last message, states the cost of levying and collecting taxes to be twenty-five per cent., and assuming that per cent. necessary for the purpose, even then the receipts this year show a great laxity in the matter of collection. To partly repeat some facts hereinbefore shown :

The assessed value of property this year is one hundred and sixty-three millions three hundred and sixty-nine thousand and seventy-one dollars and eighty one cents. The State tax is sixty-two cents on each one hundred dollars.

The amount levied is		\$994,288 25
Amount now received.....	\$329,919 83	
Add 20 per cent. for collection.....	82,479 96	
		412,399 79
Amount delinquent at this time.....		\$581,888 46

The Federal property tax is fifteen cents on each one hundred dollars :

The amount levied is	\$240,553 60
Amount received.....	\$79,819 31
Add collection fees, 20 per cent.....	19,954 83
	99,774 14
Amount delinquent.....	\$140,779 46

The Federal poll tax ought to produce.....	\$260,000 00
Amount received.....	\$106,875 47
Add collection fees, say.....	26,719 53
	133,595 00
Amount delinquent.....	\$126,405 00

Of the payments made during the year reported—which payments are not part of the current governmental expenses, but are simply charges entailed from former years, and extraordinary expenses and gratuities—are the following :

Interest on Funded Debt of 1857.....	\$391,387 50
Interest on Funded Debt of 1860.....	25,995 88
Bonds purchased for School Fund.....	36,215 00
Support of Schools.....	75,290 00
Reclamation of Swamp Lands	63,846 63
Construction of State Capitol	33,580 69
Geological Survey....	10,000 00
Pay of troops at San Francisco, 1856.....	10,187 34
To legatees of DeLeeurr.....	2,286 67
Agricultural Societies.....	18,700 00
Erection of building for Deaf, Dumb, and Blind	4,838 00
Erection of building for State Reform School.....	22,048 72
Other donations.....	8,500 00
National tax	63,839 31
Total.....	\$766,717 08

Deduct this from the total payments during the year, (one million three hundred sixty-five thousand nine hundred and nineteen dollars and ninety-two cents,) and the amount really paid for current expenses is five hundred and ninety-nine thousand two hundred and two dollars and eight cents; and of this last-named amount, two hundred and thirty-nine thousand seven hundred and ninety-six dollars and seventy-three cents was paid before the inauguration of the present Governor; leaving the sum paid for current expenses by the present administration,

at three hundred and fifty-nine thousand four hundred and six dollars and eleven cents; and of this, at least one hundred thousand dollars was for demands accrued before January tenth, eighteen hundred and sixty-two.

The unpaid claims now outstanding are estimated by the Controller, December first, eighteen hundred and sixty-two, at five hundred and forty thousand two hundred and thirteen dollars and seventy cents; and the sum of two hundred and ninety-five thousand dollars was estimated as outstanding by the Controller in his report, December fifteenth, eighteen hundred and sixty-one, thus showing that the increase of unpaid claims during the year has been two hundred and forty-five thousand two hundred and thirteen dollars and seventy cents. But the estimate made in December, eighteen hundred and sixty-one, was too low, and really the increase this year does not exceed two hundred thousand dollars, and would not have occurred had not the floating debt been so great at the commencement of the year. It must also be borne in mind that there is now in the General Fund one hundred and three thousand four hundred and twenty dollars and fifty-five cents, with which to reduce these liabilities. If to this sum were added the two hundred and fifty-one thousand seven hundred and three dollars and thirty-four cents, in December, eighteen hundred and sixty-one, called in on account of the February and May settlements, eighteen hundred and sixty-two, of the County Treasurers, then no deficiency this year would have occurred between the year's receipts and the expenditures for the same time.

The foregoing exhibit of the State's financial condition is not exaggerated—at any rate, not intentionally so.

I have not sought to give a sombre view, nor have I speciously attempted to give a better appearance than truth will sustain.

Although these facts may, at first blush, indicate a bad condition of affairs, yet having a clear conception of the case, the Legislature, by bold, discriminating and prompt action, can easily extricate the State from difficulty. We have abundant resources, and business talent will find the task neither intricate nor discouraging.

All of which is respectfully submitted.

D. R. ASHLEY,

State Treasurer.

December 15th, 1862.

APPENDIX.

[A]

It is agreed, between Wells, Fargo & Co., of the first part, and D. R. Ashley, Treasurer of the State of California, contracting as Treasurer, and not binding himself personally, as follows :

Wells, Fargo & Co. agree to present to the Secretary of the Treasury, at Washington, an original requisition (of which the annexed is a copy) for United States Bonds, as explained and for the amount expressed in said copy requisition, which is made a part hereof. That, if such requisition is complied with by the said Secretary, and said bonds delivered to Wells, Fargo & Co., they will with all convenient dispatch forward said bonds to California, and deliver the same to said D. R. Ashley, at Sacramento, or his successor in office.

If said Wells, Fargo & Co. shall so deliver said bonds to said Ashley, they shall be at liberty to present a claim against the State of California for compensation for the service aforesaid not exceeding one per cent. upon the amount of bonds so delivered.

Said Ashley agrees to report to the Legislature the subject matter of this contract, and to recommend an appropriation in discharge hereof, and of said services.

It is understood that the one per cent. aforesaid is for compensation for transportation alone, and that Wells, Fargo & Co. are not responsible in the event of loss by any cause other than the negligence of their own agents.

Witness our hands this eighth day of October, eighteen hundred and sixty-two.

D. R. ASHLEY,
State Treasurer of California.

LOUIS McLANE,
General Agent of Wells, Fargo & Co.

[B]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
 September 15th, 1862. }

[\$229,987 67.]

To the Secretary of the Treasury
 of the United States of America :

Whereas, under an Act entitled, "An Act for the payment of expenses incurred in the suppression of Indian hostilities in the State of California," approved March 2d, 1861, there has been audited and allowed to the State of California, the sum of two hundred and twenty-nine thousand nine hundred and eighty-seven dollars, sixty-seven cents,

Now, therefore, please pay to Wells, Fargo & Co. said sum of two hundred and twenty-nine thousand nine hundred and eighty-seven dollars, sixty-seven cents, in the manner and in the bonds or funds provided by law.

D. R. ASHLEY,

State Treasurer, State of California.

Hon. S. P. CHASE,

Secretary of the Treasury.

[C]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
 September 19th, 1862. }

As many of the bonds issued by this State are of small amount, it is desirable, to facilitate payment, that the United States Bonds issued to the State on account of Indian hostilities be in as small denominations as is allowable, and if you can favor us by the payment of small bonds, we shall highly appreciate the courtesy.

Accompanying the draft sent, you will find a certificate under the Great Seal of State, of the genuineness of my signature.

I also herewith inclose extracts from the law of California authorising me, and making it my duty, to draw for the amount audited and allowed by the State.

D. R. ASHLEY.

State Treasurer of California.

Hon. S. P. CHASE,

U. S. Secretary of Treasury.

[D]

STATEMENT OF PAYMENTS FROM CONTINGENT FUND.

	Appropriation unexpended January 3, 1862.....	\$130 50
	Appropriation for deficiency.....	19 99
	Total.....	\$150 49
1862.		
Jan. 12.....	Repair of vault lock.....	\$3 00
Jan. 10 to 21.	Boat hire in streets.....	46 00
Jan. 27.....	Two lock keys.....	1 00
Jan. 31.....	Repair of railing and desk.....	2 50
Feb. 1.....	Herald and Mirror, three weeks.....	75
Feb. 1.....	Express charge on letter headings.....	50
Feb. 5.....	Express envelopes.....	4 00
Feb. 5.....	United States postage stamps.....	3 00
Feb. 10.....	Telegraphing.....	3 25
Feb. 12.....	Telegraphing.....	2 50
Mar. 1.....	Postage.....	45
Mar. 1.....	Herald and Mirror, four weeks.....	1 00
Mar. 1.....	Express envelopes.....	5 00
Mar. 1.....	Postage stamps and envelopes.....	5 00
Mar. 8.....	Postage.....	10
Mar. 8.....	Express charges.....	50
Mar. 8.....	Towels.....	75
Mar. 13.....	Postage.....	1 25
Mar. 21.....	Key.....	50
Mar. 21.....	Express charges.....	1 50
Mar. 26.....	Express charges.....	1 00
Mar. 26.....	Postage.....	75
April 2.....	Filing-boards.....	2 00
April 3.....	Sacramento Union to March 31.....	6 50
April 3.....	Postage.....	85
May 2.....	Postage.....	3 25
May 2.....	Express charges.....	2 25
May 5.....	Postage stamps.....	2 50
May 15.....	State map.....	3 00
June 13.....	Postage stamps.....	5 00
June 13.....	Express envelopes.....	5 00
June 13.....	Post office envelopes.....	3 00
June 16.....	Towels.....	6 00
June 16.....	Soap.....	1 34
June 16.....	Newspapers.....	19 00
June 30.....	Sacramento Union to June 30.....	6 50
	Total.....	\$150 49

[E]

STATEMENT OF REPAIRS FOR STATE TREASURER'S OFFICE.

Appropriation		\$500 00
To Whittier, for carpentry and removal of safe.....	\$187 00	
To Farley, for brickwork, etc.....	250 00	
Whitewashing.....	12 00	
Lumber.....	2 66	
Plastering.....	50	
Hanging door and repairing trays.....	5 00	
Repair of furniture.....	18 84	
Window shade.....	4 00	
Balance not expended.....	20 00	
Total.....		\$500 00

The necessary contingent expenses since July first, eighteen hundred and sixty-two, average fifteen dollars a month. For this, no appropriation has been made.

D. R. ASHLEY,
State Treasurer.

STATE OF CALIFORNIA. }
County of Sacramento. }

D. R. Ashley, being sworn, says that the foregoing statements of payments from the Contingent Fund and for repairing of office, are true and correct, and that the amounts were actually and necessarily paid.

D. R. ASHLEY.

Sworn and subscribed to before me, December sixteenth, eighteen hundred and sixty-two.

SAML. CROSS,
Notary Public.

ANNUAL REPORT

OF THE

Surveyor-General of California,

FOR

THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

SURVEYOR-GENERAL'S OFFICE,
Sacramento, December 15, 1862. }

To His Excellency,
LELAND STANFORD,
Governor of California :

SIR:—In compliance with the requirements of the Act defining the duties of the Surveyor-General, I have the honor to submit, for your consideration, the following report of the Surveyor-General and Register of the State Land Office, for the year ending December fifteenth, eighteen hundred and sixty-two.

J. F. HOUGHTON,
Surveyor-General, and ex officio Register of State Land Office.

REPORT.

STATE LANDS.

I know of no subject more appropriate for the commencement of the Annual Report of the Surveyor-General and Register of the State Land Office, to whom, among others, is intrusted the important duty of administering all the various laws for the survey and sale of the State lands, issuing and keeping records of all titles issued by virtue of such laws, than a concise history of the several grants of land made by Congress to the State, showing the amount of land of which the State is proprietor, the nature of the title which she has derived, and consequently, the value of the title which the State is giving and offering to all such as have purchased or may desire to purchase under her laws.

The largest and most important grant made to the State is that of March third, eighteen hundred and fifty-three, which grants to the State for school purposes the sixteenth and thirty-sixth sections of every township in the State, or one eighteenth portion of the whole area of the State, which area being estimated at one hundred and ninety thousand square miles, gives six million seven hundred and fifty-five thousand two hundred acres as the amount of this grant, which is, by the Act of donation, irrevocably pledged to the support of Common Schools.

Next in importance to the sixteenth and thirty-sixth section grant, is the grant of all the Swamp and Overflowed Lands within the borders of our State, by Act of Congress of September twenty-eighth, eighteen hundred and fifty, by the terms of which the proceeds of sales are to be applied exclusively, as far as may be necessary, to the purpose of reclaiming said lands by means of levees and drains. The amount of this grant I estimate to be about one million five hundred thousand acres.

This grant is absolute, without any restrictions regarding the manner of sale by the State authorities.

The next grant in order of importance is the grant of five hundred thousand acres, which amount of land was, by Act of Congress of September fourth, eighteen hundred and forty-one, granted to each new State that shall "hereafter be admitted into the Union, upon admission." This grant was originally made by Congress for purposes of internal improvement, but was by our Legislature devoted to school purposes, and is generally known as School Lands.

Selections made under this grant were, by the wording of the grant, to be made as the Legislatures of the several States should direct.

The law of Congress of March third, eighteen hundred and fifty-three, in addition to the sixteenth and thirty-sixth section grant, also donates to the State seventy-two sections, or forty-six thousand and eighty acres, for the use of a seminary of learning, to be selected by the Governor, or any person he may designate for the purpose, and to be disposed of as the Legislature may direct.

And still, in addition to the above, the same law donates ten sections, or six thousand four hundred acres, for the purpose of erecting the public buildings of this State, to be selected by the Governor, or any persons he may designate.

In all except the sixteenth and thirty-sixth section and the Swamp Land grants, we are restricted by provisions in the grants, from selecting or locating on mineral lands.

The amount of land which has become the property of the State by these grants, may be summed up as follows :

State Lands. "	Acres.
Sixteenth and thirty-sixth section grant.....	6,755,200
Swamp Land grant.....	1,500,000
Grant for internal improvement.....	500,000
Grant for seminary of learning	43,080
Grant for public buildings.....	6,400
Total.....	8,807,680

To which may be added the Tide Lands belonging to the State by virtue of her sovereignty, of the amount of which no proper estimate can be made.

SCHOOL LANDS.

In the Act granting the sixteenth and thirty-sixth sections, no reservation is made of those sections, when they occur in the mineral districts, (see section six of said Act,) as will be seen by a careful reading of the law, the whole grant being embodied in these few words: "With the exception of sections sixteen and thirty-six, which shall be, and hereby are, granted to the State for purposes of public schools in each township."

Whether it was the intention of Congress to include mineral lands in the provisions of this grant, I know not, but the effect of the above wording seems clearly to do so. Some doubt existing as to the intention, no selections or sales of mineral lands have been made by the State.

This grant including these sections in the mineral districts, as was before shown, amounts to about six millions seven hundred and fifty thousand acres, and will furnish the basis of a public school system second to none in any State of the Union.

Section seven of said Act provides that when the sixteenth and thirty-sixth section is covered by a private grant, or has been taken for public uses, the proper authorities of the State shall select other lands in

lieu thereof. The sections making this grant, occur in a law treating generally of unsurveyed lands, without any restrictions that the selections should be made upon unsurveyed lands. The Legislature of this State, properly understanding the Act of donation, regarding it as an absolute present grant, requiring only the selection by the proper authorities of the State and notice to the United States Registers of such selection, passed various Acts authorizing the sale and location of such lands upon any part of the public domain, surveyed or unsurveyed, requiring affidavits from the purchaser, and two witnesses that the lands sought to be purchased were unoccupied and unimproved except by the applicant.

These affidavits have been required of all purchasers of these lands, in order to guard against frauds or conflicts with settlers, the object being to take none but such as are absolutely vacant.

The authorities at Washington have long been made acquainted with this method adopted by the State, of selecting these lands, and no positive objection has been made to it, until within the past few months the Commissioner of the General Land Office at Washington has notified the Register of the United States Land Office for the Stockton District, that the State authorities would not be allowed to make selections of unsurveyed lands, which instructions the Register communicated to this office.

Either the Legislature and authorities of this State or the Commissioner of the General Land Office is wrong, and in view of the fact that the State has selected and sold to bona fide purchasers, in good faith, upwards of three hundred and forty thousand acres of unsurveyed lands, taken their money, and promised them good titles, I deem it of the utmost importance that a test of the law be made by a case in point being submitted to our highest tribunal, or that our delegation in Congress be instructed to obtain the passage of a bill defining the rights of the State in its selection of public lands donated to her, or explanatory of the laws already in existence, keeping in view the facts of the sales already made, and confirming them, except where they interfere with the rights of settlers acquired before the State notified the United States Register of such selection.

An anomalous condition of the public lands exists in this State, such as never before occurred in any State of the Union.

Owing to the existence of a large number of unlocated floating Mexican grants, embracing within their exterior limits nearly all the desirable agricultural lands within the easily accessible portions of the State, the precise locality of which, in many instances, remains to this day undecided, it has been impossible to determine what was the public domain, and the United States survey of the public lands has consequently been delayed until our rapidly increasing population has always been in advance of the surveys, and settlers have been compelled to locate upon the lands as they found them, whereas, in any other State in the Union, surveys have always been in advance of population. Our delegation in Congress should, in view of these facts, urge liberal appropriations for public surveys, that our settlers may immediately obtain their titles, as nothing tends so much to the prosperity of any country, as the certainty and security of its land titles.

If any measure can be adopted in Congress to compel the speedy location of the numerous confirmed Mexican grants in our State, our delegation should give it their attention and earnest support. The difference in construction of the law of Congress by the State and United States

authorities above referred to, was first brought to my notice in May last, through a letter written by Mr. Hubbard, Clerk in the Marysville Land Office.

I immediately addressed our delegation in Congress on the subject, which letter I herewith submit. It was so late in the session when it reached Washington that the suggestions contained therein could not be fully attended to, and Mr. Phelps informed me the letter was filed with the Commissioner of the General Land Office:

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL, }
Sacramento, May 8th, 1862.

Hon. T. G. PHELPS, M. C.,
Washington, District Columbia:

DEAR SIR:—Allow me to call your attention, and through you, the attention of our entire delegation in Congress, to the following important extract of a letter written by Mr. C. V. D. Hubbard, Clerk of the United States Land Office at Marysville, in reply to a letter of inquiry from the State Locating Agent of the Marysville District, to wit:

“Your question as to what rights are allowed to be made against the State's application, after it is filed in this office, it seems to me to be quite general. However, I will try to answer it. If the State files an application upon unsurveyed land, either for school warrant location, or in lieu of sixteenth and thirty-sixth sections, when the maps are returned to this office of such land, the State must renew her application immediately, and after the expiration of three months from the date of filing of maps the selection will be approved, upon its appearing that it interfered with no pre-emption rights vested before the return of the map.

“It will be the unvarying rule in this office, I believe, to protect pre-emptors in good faith in their interests as against the State in all classes of lands, surveyed or unsurveyed, and a satisfactory showing of pre-emption right to the officers here will always, I believe, be sufficient to defeat the State selection.”

You will readily see that if the above opinion is sustained at the General Land Office at Washington, the large number of purchasers of these lands from the State, *unless they have taken actual possession* of and occupied the lands so purchased, have acquired no rights whatever as against any person who may, at any time before the filing of the maps of township surveys in the local Land Office, desire to file his declaration of intention to hold the same land by pre-emption.

I beg leave to refer the delegation to the Act of March third, eighteen hundred and fifty-three, and the Acts amendatory thereto, by which it will be seen that by the original Act no pre-emption rights could be acquired upon any unsurveyed lands, except within one year after the passage of the Act, or before March third, eighteen hundred and fifty-four, which I think was by subsequent amendments extended to eighteen hundred and fifty-six, at which time all pre-emption rights upon unsurveyed lands would be held valid, and *no more could be acquired*. By section seven of said Act, you will see that where the sixteenth or thirty-sixth sections have been covered by private grants, or otherwise disposed of, “*other land shall be selected by the proper authorities of the State in lieu thereof*.”

Under this showing, pre-emption rights could not be acquired upon unsurveyed lands since eighteen hundred and fifty-six, but the State authorities are by the same Act authorized to select any unoccupied sur-

veyed or unsurveyed lands in lieu of the sixteenth and thirty-sixth sections granted or otherwise disposed of, and this opinion from the local Land Office, which I believe is held by all the Registers throughout the State, is contrary to the law, wholly wrong, and is now working incalculable injury to the land titles of our State.

In view of these facts, it is very desirable that the General Land Office should be requested to instruct the several Registers of the local Land Offices of this State, to the following effect, to wit:

That whenever the proper authorities of the State shall file with the Register of the local Land Office of the United States, their application for any surveyed or unsurveyed and unoccupied public land, in part satisfaction of any of the several donations made by Congress to this State, which application shall be accompanied by proper affidavits showing that the lands sought to be purchased are unoccupied and unimproved except by the applicant, it shall be the duty of said Register to accept such application in part satisfaction of said donation, and thereafter he shall allow no pre-emption to the same lands, or in any other way interfere with the right of the State to dispose of the same.

Considerable tracts of land were located by school warrants upon unsurveyed lands as early as eighteen hundred and fifty-two, in part satisfaction of the five hundred thousand acre grant, which lands are still unsurveyed, and selections are daily being made in lieu of sixteenth and thirty-sixth sections, and purchasers believe they are getting good titles, purchasing in good faith, yet the Registers of the different Land Offices will recognize no such selections, and allow pre-emptors to locate them after notice of the State selection.

Difficulties will multiply, and cause much trouble and insecurity in titles, unless some such instructions as I have indicated are sent to the several Registers.

The State has sold of the five hundred thousand acre grant, and the sixteenth and thirty-sixth sections, or lands in lieu thereof, about eight hundred thousand acres, and it is absolutely necessary, in order to protect purchasers in good faith, that such instructions should be given.

Will the delegation please give this subject the immediate attention which its importance demands?

Respectfully, your ob't. serv't.,

J. F. HOUGHTON,

Surveyor-General and Register of State Land Office.

To the Congressional Delegation of the
State of California, Washington, D. C.

P. S.—I enclose a blank of the form of application and affidavits filed with the United States Registers in all sales by the State under the present law.

J. F. H.

SEMINARY AND PUBLIC BUILDING LANDS.

These lands have invariably been selected from surveyed lands, and consequently no such difficulty has been experienced as with School Land locations upon unsurveyed lands. All selections under these grants have been unconditionally accepted by the United States Registers, except in a very few cases where township plats were not on file in their offices.

SWAMP LANDS.

There is no question between the State and the United States in regard to the title to the larger portion of this grant; yet, as will be seen by reference to the Swamp Land tables accompanying this report, the State has already sold forty-three thousand acres as Swamp Land, which is claimed by the United States.

This is partly accounted for from the fact that the Act of eighteen hundred and fifty-five, providing for the sale of Swamp and Overflowed Lands, required no affidavit as to the character of the lands, and as persons purchasing under it could hold three hundred and twenty acres, much was located which was left out in the segregation returns; and partly from the fact that there has been no concert of action between the United States and the State authorities in regard to establishing the line of segregation.

The United States surveys are usually made in the dry season, and no testimony is taken by the Surveyors to establish the character of the land in eighteen hundred and fifty, the date of the grant, between which time and the time of the survey, in many instances, tracts of land have been reclaimed and rendered fit for cultivation, by means of levees, drains, stopping the mouths of sloughs, etc., which they have returned as high land. This is particularly the case along the banks of the Sacramento.

Our State Surveyors, on the contrary, are required by law to procure affidavits of reputable witnesses as to the character of the land at the date of the grant, based upon actual knowledge, or reliable indications, taking observations for a series of years for information.

In only two or three counties have State Surveyors accompanied the United States Surveyors when surveying townships bordering on or including Swamp and Overflowed Lands; consequently two lines of segregation have been established, differing very materially—that of the State invariably including the largest amount of Swamp Lands, from the various and obvious reasons above given.

The importance of immediately establishing the segregation line cannot be over estimated. It matters but little whether the State gets a few thousand acres more or less of this land, but it matters much if titles must be delayed for years, and conflicts in titles must continue near the line until it is established.

Segregation surveys were returned last year from Sacramento, San Joaquin, Placer, Colusa, Yolo, Monterey, Humboldt, Sonoma, Solano, Napa, Lake, Santa Clara, and Alameda Counties. With the view of having these lands certified to the State, I have furnished the United States Surveyor-General with the segregation maps and certified copies of all the Swamp Land affidavits on file in this office. He reports that in consequence of a material reduction in the clerical force of his office, he cannot give the matter the attention its importance demands; and on communication with the General Land Office, he informed me that the Commissioner required the original affidavits, which will be furnished him whenever he can attend to them, and the copies retained here.

In order to settle all these difficulties, the United States Surveyor-General should be authorized by Congress to appoint a competent Surveyor, who should, in connection with a similar appointment by the authorities of this State, define and mark the segregation line in all cases where conflict arises.

During the present year a supplemental segregation survey has been returned from Yolo County, including that portion of the Swamp Land included in the Knight Grant, recently rejected by the United States Supreme Court. A segregation survey has also been returned from San Bernardino County this year, embracing twenty-eight thousand four hundred acres. In consequence of errors and informalities in the papers, the last mentioned survey has not been approved.

Considerable quantities of Swamp Land occur in Contra Costa, Merced, Fresno, and Tulare Counties, which have not been segregated by the State. In Tulare and Fresno the Government lands bordering on the swamp have been surveyed and the segregation line established. The County Surveyors have reported that it was properly done, and no change necessary.

In Contra Costa and Merced surveys should be made.

However perfect the title of the State may be to these lands, persons holding the State title would feel more secure in making permanent reclamations provided they were fully assured by the State that such reclaimed lands would not afterward be surveyed as United States lands, as has been done in instances referred to.

It will be seen by the accompanying tables that the total amount of Swamp Land segregated and approved is one million eighteen thousand one hundred and sixty-six and eighty one-hundredths acres, leaving about five hundred thousand acres yet to be segregated, of which about one hundred and fifty thousand acres is estimated to be in Contra Costa, and quite valuable.

Sales of these lands have been made during the past year to the amount of fifty-six thousand and forty-two and three-tenths acres, a quantity sufficient to show that much confidence still exists in the value of this class of State lands.

The work of reclamation was, by the Act of May thirteenth, eighteen hundred and sixty-one, creating the Board of Swamp Land Commissioners, intrusted to them, and the amount of land reclaimed will probably be found in their report. Many parcels have been reclaimed by private enterprise, and I think it would be well for the Legislature to encourage this method of reclamation, when well done, by refunding to the party so reclaiming a large proportion of the purchase money, as contemplated by the Act of Congress making the donation. I have personally inspected a levee constructed this year, by Mr. V. Hathaway, to reclaim two hundred and fifteen acres of Swamp Land, on the east bank of Napa River, above Suscol Ferry. A substantial levee and ditch has been constructed from one point of high land to another, crossing sloughs, requiring, in one instance, an embankment sixteen feet in height, in which has been placed a sluice with a flood or tide gate. A most remarkable crop of plums was gathered this year from trees growing upon this piece of Swamp Land, nothing more being required than a small load of earth to each tree, dumped upon the marsh, and the tree set in it.

Arrangements have been completed, by private enterprise, for constructing the necessary levees and drains to reclaim, in a permanent manner, a body of some sixteen hundred acres at Collins' Landing, near the mouth of the Sacramento.

Large tracts of Swamp Land have been sufficiently reclaimed for pasturage, by the purchasers, in the vicinity of Suisun City, Solano County. Considerable tracts upon the large islands near the mouths of the Sacramento and San Joaquin, and upon the banks of these rivers, near the mouths, have been partially reclaimed for cultivation and pasturage.

Along the banks of the Sacramento private enterprise is constructing considerable embankments. The effect, in every instance which has come under my notice, of keeping the water away from those tracts of Swamp Land which border on the tide waters of San Pablo or Suisun Bays, or near the mouths of the rivers discharging into them, has been, after pasturing for a single season, a rapid dying out of the samphire and tule, which are the natural growth of these Swamp Lands, and a spontaneous growth of clover, which is first observed growing from the sod thrown up from the ditch, and rapidly extending over the surface, as the water is kept off, and the other growth killed by the tramping of stock. Where the seed comes from is a mystery, but the fact proves the peculiar adaptability of these lands to the growth of grasses, which crop, in point of value, exceeds every other in the United States.

In cases in this State, when Swamp Lands have been sufficiently reclaimed to produce any of the cereals, the yield has generally been about double the amount per acre which the uplands produce, and throughout the world, when thoroughly reclaimed, this class of lands is regarded as much more valuable than uplands, in consequence of the greater fertility of soil, and greater abundance of crops, which can generally be grown several times in a single year.

A similar condition of lands exists to a small extent in southern Europe, in the Italian States of Lombardy, Sardinia, and Tuscany, through which run innumerable small rivers, fed by the melting snows of the Alps. These rivers in summer become mountain torrents, rapidly rising and falling with the melting snows, and their waters, like the waters of our own rivers, become densely charged with earthy and vegetable matter. By a well regulated system of warping, these waters are allowed to frequently overflow and recede from the Swamp Lands near their mouths, leaving the deposits upon the surface, until the whole is sufficiently raised to be easily reclaimed by levees, after which, by a most perfect system of canals, the river water is used for irrigation, making the land the most fertile in the world; in some instances cutting five crops of hay, amounting in the aggregata to twenty tons per acre per annum.

This yield seems almost incredible, but the fact is too well authenticated to be disbelieved, and in view of it indications are that eventually our reclaimed Swamp Land will be by far the most valuable in the State, and the Legislature should offer every possible inducement for its early reclamation. The method of reclaiming Swamp Lands mentioned above, by warping, or a deposit from the overflowed waters, was mentioned in the last annual report of the County Surveyor of San Joaquin, Mr. George E. Drew, which is deserving attention.

Experiments are yet in their infancy; the plum and quince, and all kinds of grain and grasses, are known to thrive in greatest perfection upon it, and it is believed that rice, sugar, and tobacco, will do equally well.

For information concerning the amount of sales, returns, conflicts, etc., of these lands, you are referred to the accompanying tables.

Patents have been issued during the year for twelve thousand and fifty-five acres of Swamp Land. In view of the fact that but very little, if any, of the Swamp and Overflowed Land has been reclaimed under existing laws, which would indicate a deficiency in the laws themselves, it might be well for the Legislature to authorize the selection of some easily reclaimed district, and authorize its reclamation by use of the funds now to the credit of the Swamp Lands in the State Treasury, and

after reclamation, authorize the assessment and collection of the whole cost, (less the amount paid in by that district as purchase money,) upon the land so reclaimed. If this was found to work well, as I think it would, it could be repeated until the whole is reclaimed.

It would certainly be very beneficial for the State and for individuals owning such lands to authorize such reclamation, assessment, and collection, in all cases where a majority, or say, the owners of two thirds of the lands embraced in any one district, should petition for such method of reclamation.

Without such a law, the owners of a few acres, by refusing to join in a general plan of reclamation, may, and now do, prevent the reclamation of large districts. I know of one large district which the owners assure me would at once be reclaimed could such a law be passed. In this district a few owners refuse to pay anything towards the cost of reclamation, hoping, perhaps, that their neighbors will do it without their aid, and they will reap the benefit without cost, and consequently, the whole tract, which might be rendered fertile and productive, setting an example worth more than its cost to other owners and the State, still remains a barren waste.

Contracts for this reclamation, or construction of levees, drains, etc., should be open to public competition.

This work, once inaugurated, would increase with every year, furnishing employment for a large number of our laboring classes at any season of the year when other employment might not be obtainable.

Reference is made in the above article on Swamp Lands to the difference between the lines of segregation as run by the State and by the United States.

The following list will show the whole amount embraced within the State line of segregation as Swamp Land, which has been returned by the United States Surveyors as high land :

Counties.	Acres.
Sacramento County.....	9,797.62
Sutter County.....	22,241.74
Colusa County.....	15,069.72
San Joaquin.....	1,600.00
Yolo County.....	35,830.00
Total.....	84,539.08

In Sacramento County, the State has sold, under the Act of eighteen hundred and fifty-five, five thousand one hundred and twenty-five and ninety-five one-hundredths acres as Swamp Land, which lies outside of the segregation line as run by the State Surveyors.

In Yolo County, seven thousand four hundred and eighty acres, and in Colusa, one thousand nine hundred and fifty and forty-four one-hundredths acres, were sold before the line was run, which proved to be outside the line, and nearly all such locations have been abandoned and the payments in some instances applied to other purchases as provided by law.

TIDE LANDS.

The question of the State title to these lands has never been raised, and the amount sold during the year is:

In What Year.	Acres.
Mendocino County.....	224.01
Alameda County.....	29.44
Total sold during year	253.45
Total sold during year 1858.....	302.64
Total sold during year 1859	985.63
Total sold during year 1860.....	746.60
Total sold during year 1861.....	480.00
	2,514.87
Total sold to date.....	2,768.32

STATE LAND FUNDS.

I beg leave to call your careful and earnest attention to the confused condition in the State Treasury of the several Funds, arising from the sale of State lands. By the several Acts of Congress, donating to this State the Swamp Lands, (the sixteenth and thirty-sixth sections,) the Seminary Lands, and the Public Building Lands, the disposition to be made of the moneys arising from the sale of such lands is clearly indicated, and in order to carry out the spirit of the Acts of donation, it is absolutely necessary that a separate Fund for each class of lands should be kept, which would at any time show the exact amount received from sales of each class.

The following statement will show the actual amount of money which has been reported to this office from all sources, as paid to the several County Treasurers on sales of School, Seminary, and Public Building Lands, compared with the amount in the several Funds, as shown by the books of the Controller:

<i>School Lands—(Balance of Five Hundred Thousand Acres.)</i>	
Amount received as principal, from July 1st, 1858, to December 6th, 1862.....	\$74,620 96
Amount received as interest.....	102,913 53
<i>School Lands—(Sixteenth and Thirty-sixth Sections.)</i>	
Amount received as principal, from July 1st, 1858, to December 6th, 1862.....	\$53,218 99
Amount received as interest.....	24,833 52
Total amount of principal on both classes.....	\$127,839 95
Total amount of interest on both classes.....	127,747 05

For which, the Controller's books show :		
Total amount of principal.....		\$127,487 92
Total amount of interest.....		124,712 81
<i>Seminary Lands.</i>		
Total amount of principal reported to State		
Register	\$13,155 68	
Total amount of interest.....	12,359 41	
		25,515 09
While the Controller's books show a total amount of principal and interest received from such sales, of.....		6,534 97
<i>Public Building Lands.</i>		
Amount reported to State Register as principal	\$2,124 71	
Amount reported to State Register as interest	898 87	
		3,023 58
Controller's books show total amount of principal and interest received, of.....		679 56

I have much reason to believe that a large number of payments of interest have not been reported to this office, from the fact that purchasers will not go to the expense of recording interest receipts, and consequently the Auditors cannot report them, and that the amounts shown above are not large enough; there is no possibility of their being too large.

The discrepancy in the Public Building and Seminary Lands is easily accounted for—County Treasurers will not learn to distinguish between these Lands and School Lands, and have frequently, I may say generally, given receipts to purchasers of these lands upon blanks prepared for School Lands, and doubtless have paid the funds into the State Treasury in the same manner.

For all this I propose a simple and efficient remedy, as follows: It should be provided that the Register of the State Land Office shall keep a set of books, which shall show the actual amount paid, both principal and interest, into each and every Fund arising from the sales of the State Lands by the several County Treasurers; that County Treasurers shall not be allowed to pay into the State Treasury, and the State Treasurer shall not be allowed to receive from the County Treasurers, any moneys arising from sales of State lands, except upon the certificate of the State Register, that the payments are correctly reported.

To accomplish this, County Treasurers should be required to forward to the State Register monthly certified lists of the names of the original purchasers of any lands upon which payments have been made, the dates, and amount of payment, whether for principal or interest, and the class of lands upon which such payments have been made, which shall thereupon be corrected by the Register, and credited to the account of the purchaser.

At the time of every settlement with the State Treasurer, the several County Treasurers should prepare a similar list, embracing all the pay-

ments so made up to the last of the month preceeding the date of said settlement, present the same to the Register for correction, who shall correct the same, and apportion the moneys to the several classes of lands, and certify to the correctness of the same. The County Treasurer shall then, upon the Controller's order, pay into the State Treasury such money, and take the State Treasurer's receipt upon the list aforesaid, and return it to the Register, to be charged to the respective Funds.

The books above referred to should be opened with the amount actually belonging to each Fund at the date of opening; to determine this, would require the careful examination and correction of every return made by the County Treasurers since the date of the first law for the sale of lands; authority for the Register to call upon County Treasurers for a large number of State Treasurer's receipts, which they have neglected to file in the Register's office, or in case of the loss of such receipts, for abstracts of their books showing the amounts so paid, from all of which the actual amount can be determined and entered. To collect and correct these returns, in most of which it is probable that payments have been credited to the wrong Funds, ample clerical provision should be made.

In San Joaquin, Humboldt, Calaveras, Tulare, and possibly one or two other counties, there has been in each county one defaulting Treasurer, by which the State has lost small amounts, but these amounts could not nearly equal the amounts which have been paid in and never reported to this office. Supposing, therefore, that the amounts paid into the State Treasury on School lands should be only equal to the amount reported to this office, as paid County Treasurers, and supposing the interest to have been all expended for the support of Public Schools, there should be at this time in the State Treasury, to the credit of the School Fund, the following sums of principal alone, viz.:

From sales of 237,760 acres of School Land Warrants, under Act of May 3d, 1852, at two dollars per acre.....	\$475,520 00
Sales of balance of 500,000 acre grant.....	74,620 96
Sales of sixteenth and thirty-sixth section grant.....	53,218 99
Total.....	\$603,359 95

Which amount, or more, should be in the State Treasury to the credit of the School Fund, as principal, either in bonds purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, by the Board of Examiners, or in cash, and I suggest, as a member of the State Board of Education, that an examination be had to see if the funds are there. The actual amount paid to County Treasurers, or by them to the State Treasurer, cannot be correctly shown by the books of this office, until the method of reporting payments is changed, as above suggested, and then a complete check upon the correctness of the accounts of the State and County Treasurers, so far as State lands and the funds arising from their sales are concerned, may be found at this office.

SWAMP LAND FUND.

This class of lands is by County Treasurers confused with Tide Lands, and receipts are often given upon the latter as Swamp Lands, yet the total sales of Tide Lands to date is so small, being only two thousand seven hundred and sixty-eight acres, and Swamp Lands being so different from School, Seminary, and Public Building Lands, it is reasonable to presume that no serious mistakes would be likely to occur in the report of the fund arising from their sale.

The books of the Controller show that the amount paid into this Fund to December 6th, 1862, is....	\$312,536 57
Yet before the passage of the Act creating this Fund, there had been paid into the State Treasury from sales of Swamp Lands, the sum of.....	48,136 95
Not included in the above, and which should be restored to the Swamp Land Fund at once, even if borrowed the next day, for so far as the State Lands are supporting the State Government, so far should they have the credit of it, and as this fund is especially devoted to reclamation of Swamp Lands, the amount should fully appear upon the Controller's books. This would show a total derived from sales of Swamp Lands, of.....	\$360,673 52

For the purpose of adjusting and finally settling all questions relating to the title of all lands claimed by the State under the several Acts of donation by Congress, the Legislature at its last session, by concurrent resolution, appointed the Hon. William H. Parks a committee to proceed to Washington with such evidence of the State claims as was deemed necessary.

In consequence of this appointment, the usual correspondence of the Register of the State Land Office with the Commissioner of the General Land Office at Washington, in relation to the matters above named, has been suspended, awaiting the result of the efforts of this Commission, but will be renewed upon the return and report of the committee.

In order to still further assist in adjusting the titles of the State, a law was passed, at the last session of the Legislature, requiring the Register of the State Land Office to furnish to the committee appointed by the Legislature, such evidence as the committee may deem necessary, and also file with the proper United States officers a list of all the records in his office, showing the lands sold or claimed by the State, under the provisions of an Act of Congress making donations, together with certified copies of affidavits, etc.

In compliance with this Act, I prepared certified copies of all the Swamp Land affidavits on file in this office, and forwarded them to the United States Surveyor-General at San Francisco, together with the original segregation maps, which are constantly in use in this office, and have been returned. Certified copies would have been furnished him, had the clerical force of the office been sufficient to prepare them.

I also prepared certified lists of every other class of land claimed under

the different grants, each under its appropriate head, and forwarded them, together with the necessary instructions, to the committee at Washington, giving particular attention to the points in controversy between the United States and State authorities. To guard against accident by loss, duplicate copies were sent by the succeeding steamer.

The progress made in the settlement of these titles, will be found in the report required of the committee by the concurrent resolution.

STATE LAND LAWS.

The various laws providing for the disposition of the State lands are found in their application, in some instances, to work inharmoniously, and I would recommend many amendments, or the repeal of all existing laws, and the passage of one general land law, embracing all that is valuable, and leaving out all that is objectionable, in the present laws, and adding much that is desirable.

Section four of the Act to provide for the sale of the Swamp and Overflowed Lands of the State, approved April twenty-first, eighteen hundred and fifty-eight, and also section six of the Act of April twenty-third, eighteen hundred and fifty-eight, providing for the sale of the School Lands, provide that if any purchaser of either Swamp or School Lands shall fail to pay interest or principal when due, he shall forfeit all payments he may have made, and all right, title, claim, or interest, to said lands, and the same shall be resold, as though no sale had been made.

Entertaining a doubt as to the legality of this summary method of divesting parties of rights who had approved certificates of location, or approved surveys, and had made partial payments, I addressed a communication to the Attorney-General, asking his opinion, which, when rendered, was confirmatory of my own, that such purchasers had acquired such a title to the land that they could not be divested of it, or ejected, except by some court of competent jurisdiction, in a proceeding of foreclosure.

For the better protection of subsequent purchasers of these lands, I recommend that some steps be taken to divest of title all who were declared to have forfeited by the law previous to the Act of April ninth, eighteen hundred and sixty-one, providing for the annulling of certificates of purchase. It would be well to provide that whenever any purchasers, under a credit, desires to abandon a location or entry of public lands made by him under any land law of the State, he shall do the same by acknowledgment and reconveyance of title to the State, upon a form to be furnished by the Register. He shall also return the certificate of purchase, and if the same has been lost, certify the fact in the same manner as though he desired to obtain a duplicate therefor. As in this case the relinquishment is for the benefit of the State, it would probably be necessary that the State should pay the Notaries' fees, and for this purpose, and for advertisements, etc., and for expenses connected with the various suggestions of these pages, it would be well either that the fees of the office should be permitted to be expended, or, what would, perhaps, be better, that provision for the purpose should be made in the contingent item for the offices.

Section fourteen of the Act of April twenty-first, eighteen hundred and fifty-eight, providing for the sale and reclamation of the Swamp and Overflowed Lands of this State, reading as follows: "Section fourteen—County Surveyors are hereby authorized to administer oaths." Some County Surveyors regard this as giving them power to administer oaths

in all cases, and if such was not the intention of the Legislature, it should be amended.

Section two of the present law, providing for the sale of Swamp Lands, requires that the applicant to purchase should make affidavit as to the character of the lands. It is recommended that the law be so amended that after the land has been segregated by the County Surveyor, the applicant need only testify that it is within the segregation, or so that the County Surveyor may certify that the land surveyed by him is within the line of segregation as established.

The original term of five years credit upon Swamp Lands has been extended, and no period is indicated by the laws at the expiration of which School, Seminary, Public Building, or Sixteenth and Thirty-Sixth Section Lands shall be paid for in full. The back of the certificates of purchase contain receipts for the second, third, fourth, and fifth years' interest, and for the full payment. In the cases of School Lands and Swamp Lands sold under the Act of eighteen hundred and fifty-five, the blanks for the payment of interest have been exhausted, and it is suggested that another blank should be printed, and attached to the certificates of purchase by the County Treasurer, to whom it should be furnished by the Register.

The various laws prescribing the manner in which payments of principal or interest upon School Lands shall be made known to the Register of the Land Office, all agree in requiring that the purchaser shall take a duplicate receipt from the County Treasurer, which duplicate the Auditor shall record and send a certified copy thereof to the State Register. This method is not happy in its working, for various reasons. There are three classes which are commonly known as School Lands, viz: the grant of five hundred thousand acres, the Sixteenth and Thirty-Sixth Section grant upon surveyed lands, and the same upon unsurveyed lands. These are constantly confounded by many of the county officers, and in some instances error, and in all loss of time and extra labor, grow out of the county officers using wrong blanks, and reporting payments upon one class which have been made upon another. The necessity for having a simple payment of a small amount of annual interest recorded by the County Auditor, with an accompanying expense of from one dollar to three dollars, is regarded as a hardship by many purchasers, and not without some reason. Many decline altogether to do so, relying upon their receipt from the County Treasurer as sufficient protection in the event of the State bringing action to eject them for apparent non-payment. Many others are entirely ignorant of the existence of the law; and as the fourth section of the Act of April eighth, eighteen hundred and fifty-nine, enables the Register to issue a certificate of purchase when he is satisfied, from the certificate of the Treasurer, that the money has been paid into the County Treasury, thus practically doing away with the requirements before specified, in the various laws, as to the manner of reporting payments and issuing certificates of purchase, it is recommended that a simpler, less oppressive and more effectual method be substituted; that the Legislature be recommended to pass an Act requiring the County Treasurer to give a receipt to the purchaser for the first payment, whether the same be for the full amount, or twenty per cent thereof, and interest on the balance; that when payments of annual interest are made, the County Treasurer shall indorse the same upon the back of the certificate of purchase, and enter the same, with the name of the party paying, upon his books, which shall be the only record required; that on the first day of every month, the County Treas-

urer shall make a return to the Register of the State Land Office, upon forms furnished him by the Register, showing the payments made during the preceding month, upon what class of land, whether first payment or interest, etc., the name of the purchaser, and the number of the survey or location; that upon the receipt of this return, it shall be the duty of the Register to credit the payments in the proper books, and in case of first payments, to forward to the County Treasurers the certificates of purchase to which purchasers have become entitled. It may be suggested that the quarterly returns by the County Treasurers to the Controller need only state the amounts received for each description of land, and the reports be thus greatly reduced in volume, and freed from the mass of detail of names of purchasers, etc., only useful to the Register, to whom the returns are not now made.

In the event of non-payment of interest due upon lands purchased of the State under a credit, or the said payments not appearing upon the list returned by the County Treasurer, the month after the same shall have become due, it shall be the duty of the Register to publish notice in the county newspaper, if there is one, or in the nearest published newspaper, if there is not, or to furnish to the County Treasurer printed notices for posting in public places, to the effect of the notice required by the law of eighteen hundred and sixty-one, relating to the annulling of certificates.

I beg leave also to call your attention to the fact that there is no law specifying the time which shall be allowed to County Surveyors to return to this office plats and field notes of surveys of lands for purchasers, after the application for such survey is made to them; the consequence is, that the simple act of filing an application to purchase either Swamp or School Lands has, in many instances which have come to my notice, secured those lands to the applicant for years without any payment whatever to the State, and, as in the case of both Swamp and School Lands, payments are not due and interest does not commence until, in the case of Swamp Lands, the survey is approved by the Surveyor-General, and in School Lands until the location is accepted by the Locating Agent, and the lands are not taxable to the individual until he has his certificate of purchase. The State is annually the loser of thousands of dollars, in interest and taxes, which would be saved provided the evils complained of were remedied. The importance of this suggestion can only be fully appreciated by those whose connection with this office has made them familiar with the magnitude of the evil. I would suggest that a law be passed compelling the County Surveyors to return all surveys within thirty days after affidavits or applications are filed with them, and in any county in which such evil exists, the Surveyor-General may appoint a competent Surveyor to make any or all surveys under the different State laws providing for the sale of State lands. Some exceptions might be made to this law in the case of Swamp Lands in an overflowed state, which should be left to the discretion of the Surveyor-General.

By the Act of April seventeenth, eighteen hundred and fifty, defining the duties of the Surveyor-General, he is made Chief Engineer and Commissioner of Internal Improvements, and is required to furnish to the Governor, annually, plans and suggestions for the drainage of marshes and prevention of overflows, etc. The most important work which may be embraced in the above duties, and which should be under the general supervision of this department of the State Government, is the segregation and reclamation of its Swamp Lands, requiring no inconsiderable skill and experience in engineering and land surveying.

By the Act of May thirteenth, eighteen hundred and sixty-one, creating a Board of Swamp Land Commissioners, this duty was taken away from the Surveyor-General and placed in the hands of five Commissioners, at a salary of one hundred dollars each per month, with authority to employ Engineers, etc. If a necessity existed at all for the creation of this Board, I submit, with all due respect for the gentlemen who comprise it, that a proper regard for the interests of the State should have suggested the appointment on such Board of at least one Engineer of experience in such work, competent to judge of the qualifications of the Engineers they employed to superintend their works of reclamation, and of the quality of the work when done.

This Board has been in existence one year and eight months, and has expended for surveys and salaries upwards of sixty thousand dollars from the Swamp Land Fund, and it is for the Legislature to say if the State has received a corresponding benefit in the amount of land reclaimed.

However good the laws for the reclamation of the Swamp Lands may be, the present method of administering them through the Board of Swamp Land Commissioners is too expensive, and the Fund is in danger of being exhausted in salaries and expenses before much land is reclaimed.

I would suggest, instead, that a Bureau of Swamp Lands be established, in connection with the Surveyor-General's office, the head of which should be appointed by, and be under the general supervision of the Surveyor-General, and be styled Chief of the Bureau of Swamp Lands, who should be a practical Engineer, and Surveyor of experience in hydraulic works, who should perform, under the direction of the Surveyor-General, all the duties, with some modifications, required of the Board of Swamp Land Commissioners, and also, in person, all the duties required of the Engineers which the Commissioners are authorized to employ.

An Engineer, with a salary of two hundred dollars per month, with some allowances for contingent, travelling, and other expenses, would perform all the duties enumerated above, equally as well as the present Board possibly could do.

Some action of the Legislature is necessary to provide for the purchase of blank books for the State Locating Agents. The form books required by them are quite expensive, in some instances costing seventy-five dollars. In one instance brought to my notice, the former Locating Agent refuses to deliver up such books to his successor, on the ground that they are his private property, purchased with his own funds. In some instances, County Surveyors, in consequence of the failure of the last Legislature to provide them with copies of township plats in their counties, have purchased them with their private funds, and regard them as their private property.

By the recent amendments to the Constitution, the sessions of the Legislature will, after the coming session, commence in December, rendering necessary a change in the time allowed for the Surveyor-General to hand in his report to the Governor. I suggest that the report should be made up to the close of the fiscal year, June thirtieth, and that he be required to hand it in to the Governor at any time thereafter before the first of November, and if deemed necessary, a brief supplemental report could be required, extending to a later date.

STATE BOUNDARY.

I beg leave to call your attention to the importance of determining the location of the eastern boundary of the State, particularly that portion lying north of Lake Bigler, and running near Honey Lake Valley, at present containing a very considerable population; and that part south of Lake Bigler, and running directly through the rich mining district of Esmeralda, very near the town of Aurora.

Much difficulty has already been experienced by Assessors and Tax Collectors, as will be seen by reference to the report of the County Assessor of Plumas County, to which your attention is called, and much revenue lost to the State in consequence of the uncertainty of the location of this line, which will be multiplied as the question of judicial jurisdiction arises, which will assume still greater importance with the rapidly increasing population and wealth of those districts.

It may be well, in connection with this subject, to refer to the Act of Congress defining the western boundary of the Territory of Nevada, which makes the northern boundary of the Territory of New Mexico the southern boundary of Nevada, extending it due west until it reaches the "dividing ridge separating the waters of Carson Valley from those that flow into the Pacific ocean, thence on said ridge northwardly to the forty-first degree of north latitude, thence due north to the southern boundary of the State of Oregon;" provided, the State of California shall assent to the same by an Act irrevocable, etc. As the question of adoption of this line was before our Legislature at its last session, and may be again, I give herewith, in brief, the effect of such adoption. Goose Lake, Honey Lake and Valley, Lake Bigler, and Lake Valley, the Esmeralda District, Mono District, and the northern part of Owens River, all now in California, would be thrown into Nevada Territory. The line thus established could be located by triangulation of the principal peaks, at less expense than the line as it now exists. The cost of running such line by contract with competent Engineers, and determining the longitude of the principal points by connection with the point established by Lieutenant Ives, near Lake Bigler, would be about twenty thousand dollars. The cost of locating the present line would require the location of the initial point on the Colorado, (that work never having been fully completed,) and one or two intermediate points, by astronomical observation, to determine their longitude, at much greater cost.

Governor Nye, in his last Annual Message to the Territorial Legislature of Nevada, refers, in forcible language, to the difficulties, present and prospective, which are certain to grow out of the uncertainty of this boundary, and recommends a joint Commission of the Territory of Nevada and the State of California, to establish and make it.

It remains with the Legislature of this State to determine whether the boundary suggested in the Act of Congress creating the Territory of Nevada shall be adopted, or whether it shall remain as was originally provided for this State.

In either case, I concur with Governor Nye in his suggestions for the appointment of the joint Commission for the purposes above named.

We have as yet experienced no difficulty with our northern and southern boundaries.

COUNTY BOUNDARIES.

The attention of the Legislature should be directed to the importance of definitely establishing and locating the boundary lines of every county in the State.

By reference to the reports of several of the County Assessors, it will be seen that considerable amounts of revenue are annually lost to the State in consequence of the uncertainty of location of boundary lines, and still greater difficulty arises out of the question of jurisdiction of courts and Sheriffs over the disputed tracts, causing endless litigation.

The most serious of these difficulties occurs in the line between the Counties of Napa and Solano, occasioned by the uncertainty of location of the starting point in the Guichica Creek, which should be more definitely described. A large number of suits for taxes have been brought by one county against persons who have paid in the other, and as the disputed tract embraces a considerable amount of the best agricultural land in the State, many suits have arisen out of the question of jurisdiction of courts.

This line was located in eighteen hundred and sixty-one by Mr. B. W. Norris, acting as deputy to my predecessor, but the Supervisors of Solano County, dissatisfied with the survey, have applied for a resurvey, which is not yet completed.

The eastern boundary of Lake County, between Lake and the Counties of Yolo and Colusa, is exceedingly uncertain, from the difficulty of determining the exact ridges mentioned in the law defining the boundaries, no well defined dividing ridge occurring among the many to be found in that vicinity. If this line was once located by authority, and then adopted by the Legislature as thus located, the question would be set at rest. I refer you to the report of the Assessor of Lake County on this subject.

The Assessor of Fresno County complains of difficulty of making a proper assessment, in consequence of want of knowledge of location of the county boundaries.

The Assessor of San Luis Obispo urges the importance of establishing the boundary between that county and Monterey, and remarks that very many persons in the vicinity of the line escape assessment altogether, and recommends that the line be run before the next assessment is made.

In the month of August a request was made by the Board of Supervisors of San Luis Obispo County to have this line run and marked. Answer was made to their communication, informing them of the manner of payment required by law, and a Deputy was selected to make the survey. No reply was made to my communication, and as their assessment was already completed for this year, I presume the survey was deferred until next year.

By an Act approved April thirtieth, eighteen hundred and sixty, the Surveyor-General was authorized and required to survey the boundary lines between Plumas and Shasta and between Plumas and Sierra Counties. Upon correspondence by my predecessor with the Boards of Supervisors of the said counties, they neglected or refused to make any provision for the expenses of such surveys, as provided by law, and the surveys have not yet been made. The County Surveyors of Sierra and Plumas have run a compromise line, entirely differing from that established by law, the adoption of which I would recommend, if satisfactory

to both counties, requiring the map and field notes to be returned to this office. The report of the County Assessor of Plumas makes complaint of the uncertainty of their boundary lines, and is deserving of notice. The line between Shasta and Plumas has not yet been run and marked.

As the State is largely interested in having these boundaries properly defined and located, that the assessment and collection of the State revenue may be properly made, and as the item of cost seems, in many instances, to prevent their being made, I would suggest that one half of the expense of such surveys be borne by the State, the other half to be paid by the county making the application; one half of the latter to be collected from the county or counties adjoining said line, by the county making the application.

DELINQUENT PURCHASERS OF STATE LANDS.

By the Act of April ninth, eighteen hundred and sixty-one, providing for the annulling of certificates of purchase, it is made the duty of the Register of the State Land Office to notify all purchasers of State lands who have neglected or refused to pay principal or interest when due, that if not paid within thirty days, an action will be commenced to obtain a decree of foreclosure of his interest in the land, and to annul the certificate of purchase; and it is also made the duty of the Register, if not paid, to notify the District Attorney of the county in which the land is situate, of such failure, who shall commence action, etc.

Upon examination of the books of this office at the time I assumed its duties, there appeared fifteen hundred and sixty delinquents, and notices, involving much labor, have been prepared and sent during the year to them all.

In a very large number of cases, evidence was immediately furnished the office that the payments had been made, but that the receipts had not been taken to the Auditor for record, consequently they had not been reported to this office, showing at once the impropriety, before mentioned, of the present method of reporting payments to the Register. Other apparent delinquencies, which were not real, were occasioned by the defaulting Treasurers of San Joaquin and Humboldt.

Still, a very large number came forward and made their payments, reducing the number of actual delinquents, as now appears by the books, to about one half the original number.

The time consumed in regulating the books so as to know who were actual delinquents, and the inadequate clerical force allowed the office, has prevented sending the required notices to the District Attorneys, which will be attended to as soon as possible.

The effect of the delinquent notices is observable in the increased amount of interest received into the State Treasury the present year on sales of State lands, being on School Lands alone, from January first to December sixth, eighteen hundred and sixty-two, fifty-one thousand three hundred and seventy-eight dollars and eighty cents of interest, against twenty-five thousand seven hundred and twenty-five dollars and sixty-two cents for the whole of eighteen hundred and sixty-one, and twenty-eight thousand four hundred and one dollars and fourteen cents for the whole of eighteen hundred and sixty.

Interest on Swamp Lands for the year eighteen hundred and sixty-two was remitted by the last Legislature, yet interest to the amount of eight thousand eight hundred and ninety-six dollars and seventeen cent has been reported to this office as paid this year, chiefly from delinquents who had received these notices.

CANALS.

By the Act of April first, eighteen hundred and fifty-seven, there was granted to the individuals comprising the "Tulare Canal Company," one half of all the Swamp Lands lying between the San Joaquin river, at Kings' River slough, and Tulare Lake, also, one half of all the Swamp Lands bordering on Tulare, Buena Vista, and Kern Lakes, and thence up to the lines dividing the said Swamp and Overflowed Lands from the lands of the United States, the said company taking all the odd sections, leaving for the State all the even sections of such lands; provided, said company should reclaim the lands by a system of canals, etc.

The Act making the grant was repealed in eighteen hundred and fifty-eight, since which time the State has sold of the odd sections about twenty thousand six hundred acres.

The Act of April tenth, eighteen hundred and sixty-two, grants to the same parties named in the first Act, upon nearly the same conditions, the same amount of land, with the additional proviso, that where the State has sold any of the odd sections, the grantees should be allowed to select therefor four times the quantity thus sold, out of any Swamp Lands in that district.

Grant.	Acres.
The approximate estimate of the amount in the district to be reclaimed is about three hundred thousand acres, one half of which is granted for reclamamation, would be (less odd sections sold by State).....	129,400
Add for amount sold by State.....	82,400
Total amount of grant.....	211,800

The agent of the Company has filed in this office a list of selections, in lieu of the twenty thousand six hundred acres sold by the State, amounting to seventy-seven thousand nine hundred and twenty acres, which selections, together with the remaining odd sections, I have reserved from sale.

The construction of these canals in the manner contemplated by the law, would be of incalculable value to the State, by rendering highly productive a large tract, now valueless, and furnishing abundant facilities for transportation, and doubtless prove equally beneficial to the enterprising projectors, when completed.

The services of skillful engineers should be obtained in the construction of these canals, to prevent the too rapid discharge into the San Joaquin of the surface water of this great extent of country during the winter months.

DRAINAGE OF THE VALLEY OF THE SACRAMENTO.

I desire to call your attention to the expediency of a preliminary reconnaissance or survey of the country between a point on the Sacramento, above Knight's Ferry, and the tide waters of Suisun Bay,

about Denverton, west of the Montezuma Hills, with reference to the eventual construction of a canal between these points, for the drainage of the western portion of the valley of the Sacramento, and reclamation of the large body of Swamp Lands between those points.

Your present Surveyor-General has for many years been an advocate of the practicability of such canal, and it is believed by those most conversant with this section of country, that such canal, located as it would be throughout nearly its entire length, upon land many feet below the banks of the Sacramento river, would require for most of the distance nothing more than two simple ditches and embankments, at a distance say of half a mile apart, to give direction to the current and collect the waters of the various streams which rise in the Coast Range and discharged into the great Swamp Land basin on the west bank of the Sacramento. It is a matter of much doubt if the present requirements of the State would justify the expenditure necessary to construct such canal, but when our population has sufficiently increased, I have no doubt that a demand will be made for such a canal which will insure its construction. An expenditure of a few thousand dollars in a preliminary survey might develop facilities for construction which would justify immediate commencement, in view of the immense advantages to be derived.

During the past year a private survey was made by an Engineer of large experience in hydraulic works, with the object of taking the waters of Cache creek, (the outlet of Clear Lake,) from a point in the hills where it is an ever-living stream, and carrying them through a canal down over the arid plains of that portion of Yolo County, for purposes of irrigation.

The survey proved the entire practicability of the plan. Many persons signed a bond agreeing to take water for a certain number of acres each, at the rate of one dollar per acre per annum, nothing to be paid until the water was furnished. A large number of others, fully acknowledging the value of the water to be ten times greater than the amount charged, refused to sign any obligation, for want of which the necessary financial arrangements, which only awaited such an obligation, could not be completed, and the plan was abandoned.

Reference is made in the report of the County Surveyor of Yolo County to the practicability of irrigating these great plains by means of canals from the Putah and Cache creeks, which I think is deserving of legislative encouragement.

The following highly interesting article upon the subject of irrigation has just been received from William H. Bryan, Esq., the Engineer before referred to who projected the plan of the canal from Cache creek, showing the great advantages derived from irrigation wherever adopted, and its peculiar adaptability to the great plains of Yolo and Solano Counties. Nothing can aid so much in preventing overflows of that portion of the Sacramento Valley as this proposed diversion of the waters of Cache and Putah creeks:

LETTER FROM WILLIAM H. BRYAN, ESQ.

SAN FRANCISCO,
December 11, 1862. }

Hon. J. F. HOUGHTON,

Surveyor-General :

SIR:—In reply to the suggestions made in your letter, I regret that I am not able to make any favorable report of progress in the project of works for irrigation, etc., as proposed by me to the farmers and land

holders of part of Yolo County last spring. I found the better portion of them both willing and anxious to accept the conditions proposed to them and to co-operate in the construction and use of the work; but unfortunately, there are in that section of the country many who do not appreciate the accumulated evidence we have of the extent and benefits of irrigation in other countries, or the results to their own neighbors, among whom it has been practiced with some success, though upon a small scale and in a rude and imperfect manner. I, however, regard the question of adapting and applying to a large portion of the plains of Yolo and Solano Counties an extensive system of works for irrigation, with, perhaps, transportation and water power, as one of time only.

I have not at my command, as I write, some valuable statistics which I have collected, of the canals of Italy and India, where the system of irrigation has been practiced for many centuries. I may say, however, that in Italy canals of irrigation are counted by thousands of miles, and the lands watered by them by millions of acres. The productive capacity and the rentable and marketable value of the lands generally are nearly doubled, and in some cases, increased tenfold.

In India, irrigation has been practiced by the natives for ages, but by means of badly planned and ill constructed works. Seeing the importance of better works for the proper developement of the resources of that country, the British Government have lately built the grandest work of the kind known to modern times. With its main branches, (all navigable,) it is over seven hundred miles in length. It was designed *chiefly for purposes of irrigation*, but is used also for water power and transportation. The volume of water which flows through it is immense, and the size of the canal is such that it is capable of floating vessels of greater tonnage than any which ply upon the Sacramento river. Though the cost was over seven millions of dollars, and the work has been but a few years completed, the profits, direct and indirect, derived from it by the English Government, amounts already to full twenty-five per cent per annum upon its cost. It is probable that each dollar invested in that great work will furnish water to irrigate forever one or more acres of land, and give employment and support to nearly as many India laborers.

The works of Italy generally grew up with the wants of the country. They were designed and built separately to answer a present need, and without reference to connection with and becoming part of a great system. They are generally small, and were so costly in construction that they have seldom been remunerative to the projectors, though of immense value to the consumers of the water. The great canal of India, on the other hand, has been planned and constructed upon a large scale, and with a view to the future as well as present wants of the country which it traverses. The consequence is that it pays well. This shows that the building of such works generally upon the largest scale practicable, is the most profitable to the owners, and the most economical to the consumers of water. The propensity of our farmers to make very small and, relatively, very costly *ditches* to irrigate mere patches of ground, instead of combining to construct canals capable of passing large quantities of water, affording them a constant and lavish use of it over the whole of their lands at very low rates, is one very great difficulty in the way of those who desire to introduce plans of works that will prove the most useful.

So great is the value of water for irrigation in Italy and India, that scarcely any revolution of trade, commerce, or government would be so oppressively felt as the destruction of their canals of irrigation, or as

even their suspension for a few years. Yet neither of these countries have a climate which calls so loudly for irrigation as California, and from all that I can learn of them, they do not possess, naturally, the same advantages for extensive and economical works of irrigation.

Irrigation upon a small scale has been already practiced in this State. The abuse of water, however,* by excessive, untimely, and injudicious irrigations, has prejudiced many against its just and proper use. The scarcity and high wages of farm labor, the high rates of interest, and a general desire to cultivate cheaply the cereals, and to raise the common stock of the country, have heretofore prevented land holders from turning their attention to that system of small and neat farming which is the characteristic of a thriving country, and which will be very much promoted by irrigation. In a well irrigated country, farms of a hundred acres or under will probably be more the rule than the exception. Grass, which is the most valuable production of any country, may be kept green and flourishing throughout the year in many parts of California, yielding several crops of increased quality and quantity on the same ground. The cereals may be increased at least twenty-five per cent per acre, while the products of the dairy, the means of fattening, and keeping fat, stock for the butcher, and the opportunities for rearing fine stock, may be multiplied many times.

While my observation of the capacity and fitness of the valleys and plains of the State for irrigation have been only general, my attention has been specially directed to a few points. One of these is a scope of country lying west of Sacramento City, between the tule and the foothills, and in the vicinity of Putah and Cache creeks. This plain has a gentle and easy slope from north to south, and one somewhat stronger, yet gentle, from west to east. The general direction of its drainage is about east-south-east. The soil is all strong and rich, and the climate salubrious, though warm and dry. Putah and Cache creeks, draining a large region of mountainous country, cut this plain at right angles. They have both raised their banks higher than the adjacent grounds, and the overflow of both streams runs nearly north-easting and south-easting. Between the two, there are over one hundred thousand acres of land capable of being watered, of being much improved, and whose value would be greatly enhanced by such watering. Instrumental examinations have been made sufficient to determine the practicability of the project upon a large scale, and at a cost which will supply the farmers with water, when the whole is irrigated, at very low rates. An inspection of the ground south of Putah and Cache creeks has satisfied me that at least one hundred thousand acres more may be embraced in the work, and be profitably irrigated. The size of the main stem of the proposed canal must be such, and the current of water in it so gentle, that boats of heavy burthen could ply upon it. Several of its branches would furnish water power, while leading it on its way to the fields of irrigation, without any loss of volume.

Cache creek discharges through this country for more than half the year a large volume of water which is loaded with fertilizing matter. Heretofore it has passed on to waste, and to help to overflow the low lands bordering on the river, already too wet. Its sources of supply are abundant to meet any demand which may be made upon them. It is these waters which I proposed to divert and apply to useful purposes.

I am impressed with the belief that there cannot be found in the world any field of like extent so well situated for the proper application of water, where the benefits to be derived will be so great, and where

the necessary works can be so cheaply built, and consequently, where the water can, in time, be sold to the consumers at such low rates, as in that which I have described. It can be, and probably will be, made the garden of California. It is capable of supporting a larger population than any rural district in the Union. Its capacity for grass, as respects quality, quantity, and duration, especially fits it for dairy purposes—the products of which do now, and probably will continue to command high prices in this State. The ability of its farmers to keep their stock fat the whole year round, will give them a choice of markets for such as may be intended for slaughter. Stock of *fine* quality will take the place of the poor kind, because it will pay for being kept in inclosures, and being carefully tended. Farmers will be assured of a certain crop of cereals whether the season be very wet or very dry; for the more successful irrigation of the land renders profitable an extent of ditching and draining, the expense of which farmers will not incur with light or uncertain crops. Fruit trees and vines can be stimulated to full and early growth, while, with due care in the application of water, their fruits may be improved rather than injured, both in quality and quantity. The cultivation of live fences (hedges) will save a great and constant outlay of money, (exceeding the cost of the works proposed,) while the rapid growth of the more valuable timber trees will render their cultivation a source of profit. Considering the small proportion of the State likely to be improved in this way, in a short time, the certainty of paying crops in the irrigated district, and the probability of dense settlement, I am unable to see any reason why a very rapid rise in the value of property should not follow. That much of it would increase five-fold in as many years, I have no doubt.

The preceding is a hasty sketch of the outlines of my plan, its objects, and a few of its many advantages. The reference to the works of Italy and India was necessary to explain the superiority of large canals over small ditches, (though both are good in their way,) and to give some idea of the extent and magnitude of their works, *which are increased*, but never allowed to go down.

I will now explain “why the scheme has not been carried out.” The law allows water companies to collect from their works revenues sufficient to defray the expense of maintainance, and to pay a certain interest upon the actual cost of construction, etc. If all the land within the scope of the works proposed should be irrigated, the annual cost to each acre would be very small. But, during the time that water may be purchased to irrigate only a part, the rates per acre must be higher if the company look to prompt and full returns from the start. As the stockholders can receive *only their interest*, and no other profit, and as this is below the present rate in California, it is reasonable that they should desire to avoid any delay in its prompt payment. Under these circumstances, the conditions proposed to the farmers are, not to give money, nor to subscribe to that stock, (though they have that privilege,) but simply, that in any irrigable district where a branch of the work may be carried, they shall engage to be ready to use the water when notified that it is ready for delivery to them, to take and pay for it certain monthly rents, and that the number of them so engaging shall be sufficient to provide the revenue required. If all do this, they at once get the water at the minimum price. If part neglect or decline, those who do take the water will pay higher rates at first, but will have the benefits of the first reduction, while those who omit taking it at the opening of the work will gain nothing by the delay, but will pay the highest rates

whenever they do get water. This is only fair to those who give the first support to the work, and is no injustice to those who, from any cause, omit to do so at the earliest day.

There is a unanimity of sentiment among the farmers that water for irrigation should be supplied *in some* quantity, and at some rate, and that a supply, however small, would benefit them and enhance the value of their property. A number of them are now willing and anxious to secure it by paying two or three times the rates at which water would be sold when farmers use it freely, and the canal should be running full. The majority of them, however, seem to be unwilling to pay for water to irrigate all grounds, *grass land* as well as cultivated lands. This, which is the great value of irrigation, many of them regard as an experiment, and of doubtful utility. I have found it also difficult to convince them, that in countries where irrigation is practiced, the thirst for water is ever increasing; and that the demand for it soon exceeds the supply, except where the works have been planned with proper foresight; that every acre within the reach of water is in time irrigated; that the cost of providing works to supply the greatest demand of the country is much less, in proportion, than small ones to supply only a fraction; that the enlargement of such works, when built originally too small, is always attended with great inconvenience and expense; and that the more copious the supply of water at the outset, the more profitable will it be to them, and the soonest enhance the value of their lands.

If I build any work, it must be in accordance with these views.

The rate of interest allowed by law to stockholders in canals, is such as to attract capital to the work only as a safe and permanent investment, with assurance of regular dividends. These dividends, with the expense of maintenance, must be paid by *those who use the work*, but no more is required of them. If the revenue is too large, the company must reduce the rates. It is, therefore, the interest of the farmers using such works, that the capital should be invested at the lowest rates, the works be built and maintained at the lowest cost consistent with security and good management, and that the largest area of ground be brought under irrigation to furnish full revenue to the company at the lowest rate to the consumers. In short, if a work can be built where there is assurance of even ultimate returns, it is more the interest of the users than of the stockholders to build and maintain it at the least cost. This simple principle is what I find it most difficult to impress upon the greater number of the farmers of the district referred to.

Very respectfully, yours,

WM. H. BRYAN, Civil Engineer.

The subject of irrigation is of such importance in consequence of its peculiar adaptability, from climatic causes, to our own State, that I am induced to give it much attention.

The subject is new here, and, as like all new subjects, it will require time for discussion before the people will be prepared for its adoption, the sooner such discussion is commenced, the sooner will the desired end be attained.

The reputation and experience as a Civil Engineer of the writer of the following communication upon the subject of "The utilization of water, and its sources, in California," is the only apology for embodying it in this report. I desire to acknowledge my obligations to him for his prompt response to my request :

NAVY YARD, MARE ISLAND.

December 30th, 1862. }

MY DEAR SIR:—Convinced of your deep interest in all that relates to the progress of California, and believing that the presentation of all views relating thereto cannot fail of eliciting your attention, and through you, on proper occasion, in your official connections, of being more widely disseminated so as to reach where their practical value is most likely to be determined, I have thought proper to send you the following paper touching the utilization of water, and its sources, in this State.

Very respectfully,

Your obedient servant,

CALVIN BROWN.

J. F. HOUGHTON, Esq.,

State Surveyor-General, California.

ON THE UTILIZATION OF WATER, AND ITS SOURCES, IN CALIFORNIA.

BY CALVIN BROWN, C. E.

In our whole Union, there is no section as yet distinctly incorporated that is related in so remarkable and peculiar a manner to the element of water, as California.

It is this obvious peculiarity, aside from mere geographical position and abundance of precious metals, that constitutes the chief difference, in a meteorological view, between this State and every other. Its seasons are distinguished, not by the ordinary terms of winter, spring, summer, and autumn, but by the terms "wet" and "dry," thus significantly indicating their connection with their producing cause, viz: the presence or absence of moisture. The great importance of this element in what has hitherto constituted the chief business of the country, viz: the production of gold and silver, gives it the highest position, as a means by which it has grown and prospered. It is the object of this paper to show wherein, and, to some extent, by what practical methods, its more extensive usefulness may be secured to other great interests of the State, as represented in agriculture, manufactures, inland navigation, the reclamation of lands, and their security from the disastrous consequences of floods.

The settlement and development of California have been undertaken by a people, strangers to the country, and originally accustomed to a climate and meteorology widely differing from those they found in their adopted home, and accordingly they have learned that these new conditions affecting so materially the interests it is their object to establish, seem to demand an entirely different economy in many important respects than that heretofore practiced by them. Especially have they found the long droughts of the "dry season" an inconvenience that, in their former localities, would have been almost insupportable, and would not have been endured if any means of remedy could have been discovered. The residents of all dry countries, including those visited only by periodical rains, like our own State, for centuries have practiced the utilization of water with the most careful economy, from such sources as fell within their reach, and without which practice, many of these coun-

tries would have remained uninhabitable. The dependence upon the simple natural application of periodical rains to agricultural production, with the limitation of such supplies to the season in which they occur, with a restriction of their influence upon growth to only a few weeks after their cessation, followed by an inexorable drought of many months, has already prompted in many quarters considerable solicitude and inquiry as to its ultimate effects upon the products of the country, for it is evident that with supplies thus limited in variety and quantity to what is natural to our climatic conditions and to what can be raised in the short period intervening between the planting season and that of absolute drought, when artificial watering is not resorted to, the soil must fail to meet the wants of the population which is rapidly being spread over it. So vastly does the artificial watering of lands, or irrigation, as it is usually termed, increase and improve vegetable productions, that even in the moist climates of England, and other countries of Europe, it is practiced whenever opportunities will admit. In Piedmont and Lombardy, which are most favorably situated for this purpose, notwithstanding an annual rain-fall of thirty-six inches distributed through every season of the year, it is shown by their statistics that nearly one and a half millions of acres, constituting nearly one-fourth of the whole cultivated and culturable portions of these Italian provinces, are artificially watered. California certainly, as contrasted with these countries, which are thus far more favorably circumstanced in regard to intermittent rains and duration of vegetable growing seasons, is none the less in need of some such system for the increase of her agricultural products, if she means to provide at equitable rates and in suitable abundance for the future increase of her people.

It is not alone in the agricultural interests of her people that California is concerned in the utilization of water. As a State, she has interests which may be found to be involved in the matter. I alluded to her public lands, now almost valueless as a source of revenue, compared to what they might be made if reclaimed, as they probably can be by well known methods, where water is chiefly concerned. These lands, now overflowed so as to be for the most part inaccessible to agriculture, must ever remain in their present condition, and convertible to revenue only at the low rates at which they are now held, unless the State adopts some action upon an adequate scale for their improvement. The reclamation of these lands, aside from the advantages inuring to the State from their increased pecuniary value, is demanded by all the beneficial results which must ensue from their restoration to a habitable, improvable, and healthy condition. This result, of itself, constitutes the most forcible reason for an undertaking of the work at almost any price the public Treasury is able to afford, but it is believed that a proper investigation of all the conditions involved in the experiment will show that this cost will leave a wide margin of income from the demand and increased value which must arise from the reclaimed territory. The success of this undertaking thus places the State in possession of resources for revenues that, under the policy of neglect and inaction, must for years lie beyond its reach.

From such observations as I have been enabled to make in reference to the detail of the general subject just presented, I have every reason to believe that the most favorable conditions exist in California for making such an application of these methods of land reclamation, as must at very moderate cost realize most satisfactory results. Of the feasibility of the undertaking there can be no doubt, although the requisite calcula-

tions of the extent to which the system can be applied, and of the expense, with other questions involved, can only be determined by particular observations of the controlling circumstances of each locality presented for the required improvement. The system itself is but a simple imitation, though of course on a limited scale, of nature's own questions as exhibited in the formation of her vast alluvial plains. It consists of enclosing the tract to be reclaimed within a dike or embankment, admitting the alluvium-charged waters of the neighboring stream upon it, allowing the earthy matters to settle and then discharging the clear liquid, thus leaving a deposit of soil of greater or lesser depth, according to the quantity of matter originally held in suspension in the water. Of course, the effect of this method is to raise the surface operated upon, and the rate of such elevation depends upon the alluvium richness of the surcharged waters, and the repetition of the operation. It would therefore seem, from what is constantly seen of the natural and spontaneous effects of our rivers and streams, changed as they are almost to viscosity with "miner's mud," that, could their valuable deposits be spread over the low lands subjected to their inundations, and retained there, instead of filling up their own beds and obstructing navigation, a vast benefit would replace their present injury.

One of the most eminent examples of land reclamation by the system here mentioned is found in Tuscany, Europe, in the valley of the Chian river, which, for a length of about sixty miles, and an average breadth of about three miles, formerly existed in a frightful condition of unhealthiness and depopulation from malarious influences. The Government undertook the work of its reclamation, and the entire valley has been restored to culture, and occupied by a healthy and industrious population. Other examples in this Province, under similar circumstances, are now being carried on, as that of filling up the lakes and marshes of the coast of the Massenna. Among these, the most important is that of the Castiglione marsh which covers nearly thirty-four square miles of surface, constituting a district which for centuries had been associated only with pestilence and suffering. Although various attempts had been previously made for the amelioration of this condition of things, it was not until the year eighteen hundred and twenty-eight that the work was successfully undertaken. Since that time, in defiance of the most formidable obstacles presented by its peculiar position and marshy nature, to say nothing of its noxious exhalations, nearly the whole waste has been reclaimed. All these results have been obtained under more difficult circumstances, and through the agencies of much less efficient means, than would probably be found available in California, where the rivers and streams contiguous to low lands exist on a larger scale, and are more abundantly charged with alluvium.

It would be impossible in a paper as brief as I intended to make this to present this subject in its whole connection with the public benefit. The general term under which I have introduced it, of course includes every application that can be made of this universal element of water, and the numerous and various details of its economy and results, as embraced in its utilization, would involve a far greater labor than I can now bestow. I have attempted only to hint at its advantages, in the cases of two of the most important interests of California, aside from that of mining, in one of which I have endeavored to show by statements of actual examples, both its practicability and benefit if undertaken among ourselves. It remains for me to say a few words in regard to the results

that may be expected from its application to agriculture, in which, of course, individuals instead of the State, will have the first and most direct concern, although the latter may properly be called upon to lend its aid therein.

It may not be needless, in alluding to the advantages to be derived from irrigation, to remind those directly interested in the agriculture of California, that certain very important principles are concerned in the growth of vegetables, which, owing to the peculiar climate of this country, fall very far short of that complete operation that is necessary for the fullest results, unless aided by artificial means. I allude to the conjunction of heat and moisture. The best harvests are only obtained by the concurrence of these elements; the best lands, the best manures, and the best tillage, remain utterly sterile in the absence of either. The climate of California, to a considerable extent, is a singular illustration of the existence of this unfavorable condition; it gives its soil rain and moisture in the coldest season, and its greatest heat in the season of entire drought, thus offering to the farmer the only alternative of planting and raising only those crops that will naturally flourish under these anomalous conditions, and obliging him to limit his expectations to such returns as the short season of growth admits. What are termed winter crops seem to be the only results of the general system of tillage now practiced with us, those of summer, or green crops, being limited to the comparatively few localities where artificial watering is adopted, and these are raised only on the smallest scale for mere family use.

But it is in the interests of the stall and the dairy that the untoward influences of the climate are felt, and in this connection there seems to follow a train of unfavorable consequences, which cannot have failed to impress every observing eye cast in their direction. It may be shown that an absolute injury is being inflicted upon the soil itself by permitting its capacity to maintain cattle to remain limited by neglecting the means that might be used for its increase, and, following this, withholding its supply of manures; for, as every one knows, the exhaustion of the soil, the inevitable consequence of the growth and gathering of harvests, must be regularly supplied by the compensation of manures; no land, whatever may be its original richness, is able to resist the demands made upon it by constant croppings. The supply of manure, therefore, being chiefly through the agency of animals, it becomes indispensable that abundant and convenient means for their maintenance should be secured, and this in a very different manner from the shiftless Mexican system yet in vogue in the country, a system impossible with civilized customs, and incompatible with dairy husbandry altogether. yet, in such a climate as California, the only possible one without irrigation.

In extending the remarks to be made on this point, I find it convenient to refer to the observations made by a very distinguished writer on irrigation in France, whose works have been quite recently published. He views irrigation as constituting altogether the most potent agent for securing the complete operation of that fundamental principle recognized by all sound thinking agriculturists, viz: the production of manures; and although, in the extract I am about to quote, he makes an especial application of his argument to France, it is none the less pertinent to California, from its general scope, but still more applicable on the grounds of our unfavorable climate:

"In proportion as population and general prosperity increase, we must require from the soil those means of production which it has been al-

lowable hitherto to neglect. But of all the known means of attaining this end, the increase of live stock ought to be placed in the front rank.

"It is not merely because cattle furnish to man his most substantial nourishment, or because their price has, within a few years, greatly advanced, but it is principally because these cattle furnish in abundance *the fertilizing material*, which is the essential base of agricultural prosperity. Thus, then, whether because they produce food, (butchers' meat,) the value of which tends constantly to advance, or that they furnish the manure indispensable to cultivation, we see in all the countries of Europe the greatest encouragement constantly afforded to all attempts to increase the number of live stock; for, were it not for it, the productive power of the arable land, heavily taxed by the cultivation of the cereals, would soon be found growing less and less adequate to the pressing needs of consumption.

"This being admitted, we pass readily from the question of stock to that of the cultivation of the grasses, for they form, properly speaking, only one. The eminently useful introduction of artificial fields for the distribution of crops, and the recent adoption of some new plants suited for this treatment, are facts important to be stated, but they are not sufficient to realize the improvement desired. It is almost exclusively by extending the *permanent meadows*, that is, meadows properly so called, that there has been obtained, with certainty, the desired increase in the production of stock and manure.

"Those countries, even which, under a southern climate, have appeared most suitable for raising cattle, from a natural abundance of production of grasses, have not hesitated to increase these first resources. Thus, England, Germany, Holland, etc., have of late made many efforts to attain this end by the extension of the means of watering. Their governments have given the necessary encouragement, and the proprietors have hastened to enter upon this path, and have more and more found reason to congratulate themselves on having done so."

I have thus endeavored, though, perhaps, in a crude and hasty manner, to represent the importance of this great public economy, which, I am convinced, sooner or later must find a general application in this country. The subject has seemed to me to be worth the attention of the State, in its legislative capacity, involving as it does, and as I have attempted to show, the promise of great remunerative returns as revenue, and thus suggesting investigation, at least as to the propriety of its undertaking the necessary works. On the other hand, wherein is embraced more directly the interests of the agriculturist, it may be found necessary, in order to stimulate private enterprise to attempt, upon an adequate scale, those applications which are demanded in this direction, that the encouragement and aid of the State should be liberally given to insure their success. Thus, on all sides, there seem to be reasons why the subject here presented should claim attention from those who are charged with the improvement of the public welfare.

NAVY YARD, Mare Island, December 30th, 1862.

INTERNAL NAVIGATION AND RAILWAYS.

It is only in compliance with the requirements of the law defining the duties of Surveyor-General, that any allusion whatever is made to so important subjects as those of improving the internal navigation of the State, and the subject of railways.

It is a problem which has been too often demonstrated to require reiteration here, that when the two methods of communication—by water and railway—exist between two points, and the distances being about equal, the water is the cheapest, and does most of the freighting; while railway communication, being the quickest, enjoys almost a monopoly of the passenger travel and a small portion of through-freight and way-freight, according to the productiveness of the country through which it passes.

The bar, commonly known as the Hog's Back, about six miles above Rio Vista, in Steamboat or Merritt's slough, is the greatest obstacle to inland navigation in the State, and it is believed that its removal, by an artificial narrowing of the channel, which at this point is very wide, may be easily effected; yet any report of a plan, without a thorough examination of its nature, would be useless. A small expenditure for such examination might be highly beneficial. No such obstacle to the free navigation of the San Joaquin exists.

It is only a question of time when the increased population of the State will require an extensive system of railways, to collect at convenient shipping points the large amounts of the cereals, for the production of which our State has become thus early so justly celebrated, and to distribute to the agricultural and mining districts their implements of husbandry, mining machinery, and such articles of merchandise as are not produced in their immediate vicinity.

These distributing branches must have connection with one Grand Trunk Road, the route of which, below the City of Sacramento, was established by Nature herself, when she placed the swamps of the Sacramento and San Joaquin, the Diablo range of mountains, and the Bay of San Francisco, in their present position, and the level plains of Yolo and Solano Counties in theirs. Want of knowledge of advantages, local interests, and other causes, may, for a time, ignore the decrees of nature, but time will prove them inexorable.

Legislative encouragement in many of the older States has greatly facilitated the construction of these great evidences of prosperity and civilization, and rich rewards have such States reaped in the rapid advancement of all their material interests in consequence. In this State, where the question of transportation is assuming such great importance, that liberal encouragement of all such enterprises cannot but result in liberal returns.

GRANT OF THE SIXTEENTH AND THIRTY-SIXTH SECTIONS FOR SCHOOL PURPOSES.

Sold for Cash under Act of April twenty-second, eighteen hundred and sixty-one.

The accompanying tables will show the disposition of these lands.

Locating Agents in the Stockton, Marysville, and Humboldt Districts, report that lands have been taken in lieu of all the sixteenth and thirty-sixth sections reserved by the General Government, or taken for private uses, leaving only sixteenth and thirty-sixth proper, to sell.

In the San Francisco District the Locating Agent shows that we are entitled to two hundred and thirty-one thousand acres in lieu of sections reserved, of which, as is shown by the books of this office, there has been applied for, one hundred and twenty-two thousand one hundred and eighty acres, leaving a balance of about one hundred and nine thousand acres yet due the State in the San Francisco District.

Nearly all the desirable land of this district being covered by grants, it will be difficult to find applicants for the remainder, unless we can be allowed by the Commissioner of the General Land Office, or a law of Congress, to go outside the district to locate it.

In consequence of the rejection of the Suscol Grant by the United States Supreme Court, a large tract of good land was thrown open to location, making our sales in that district during the past year amount to ninety-eight thousand six hundred and forty acres. In the Visalia District six hundred and forty acres have been sold this year, making a total to date of two thousand seven hundred and twenty acres, nearly all of which is upon sixteenth and thirty-sixth sections proper.

Lands taken in lieu of sections sixteenth and thirty-sixth, reserved or disposed of by the United States:

Description.	Acres.
Stockton District, approved, surveyed.....	17,500.00
Stockton District, approved, unsurveyed	30,652.92
Stockton District, unapproved, unsurveyed.....	640.00
Stockton District, unapproved, surveyed.....	520.00
Stockton District, unapproved, contested.....	3,390.57
	52,703.49
Humboldt District, approved, surveyed.....	10,533.64
Humboldt District, approved, unsurveyed	7,600.00
Humboldt District, unapproved, unsurveyed.....	320.00
Humboldt District, unapproved, surveyed.....	0.00
Humboldt District, contested, surveyed.....	1,115.20
	19,568.84
San Francisco District, approved, surveyed.....	9,940.00
San Francisco District, approved, unsurveyed.....	100,380.00
San Francisco District, unapproved, unsurveyed...	10,240.00
San Francisco District, contested, unsurveyed.....	1,620.00
	122,180.00
Marysville District, approved, surveyed.....	30,807.84
Marysville District, approved, unsurveyed.....	3,128.50
Marysville District, unapproved, unsurveyed.....	0.00
Marysville District, unapproved, surveyed	640.00
Visalia District, approved, surveyed.....	2,640.00
Los Angeles District, approved, unsurveyed.....	4,468.40
	41,684.74
	236,137.07
By the Sixteenth and Thirty-Sixth Sections proper.....	52,333.43
Total amount of lands applied for under the grant.....	288,470.50

The sales of these lands, since the passage of the law, to date, are exhibited in the following tables :

Description.		Acres.
Approved locations, surveyed lands.....	105,577.91	267,144.73
Approved locations, unsurveyed lands.....	161,566.82	
Received and on file in this office, awaiting the expiration of the time required by section fifth of the Act :		
Applications on surveyed lands for.....	5,305.77	21,325.77
Applications on unsurveyed lands for.....	16,020.00	
Total located.....		288,470.50

Amount sold in the different Land Districts upon the sixteenth and thirty-sixth sections proper :

District.		Acres.
In Stockton District, surveyed.....	15,522.24	49,493.43
In Stockton District, unsurveyed.....	3,520.00	
In Humboldt District, surveyed.....	3,630.46	
In Humboldt District, unsurveyed.....	1,240.00	
In San Francisco District, surveyed.....	1,440.00	
In San Francisco District, unsurveyed.....	7,980.00	
In Marysville District, surveyed.....	13,483.73	
In Marysville District, unsurveyed.....	2,397.00	
In Los Angeles District, unsurveyed.....	200.00	
In Visalia District, surveyed.....	80.00	
In Marysville, Stockton, San Francisco, and Humboldt, unapproved.....	2,840.00	2,840.00
Total.....		52,333.43

Part of the sixteenth and thirty-sixth section grant was sold by the Boards of Supervisors of the several counties, under the Act of April twenty-sixth, eighteen hundred and fifty-eight. The amounts of such sales reported by the County Auditors to this office, are as follows :

Counties.	Acres.
Merced.....	680.00
Humboldt.....	880.00
Placer.....	4,400.00
Sacramento	1,031.00
San Joaquin.....	6,433.00
Shasta.....	720.00
Siskiyou	2,320.00
Solano.....	160.00
Stanislaus	336.00
Tehama.....	280.00
Tulare..	1,480.00
Total, as far as reported.....	18,720.00

A law should be passed requiring the Boards of Supervisors of each county to report to the Controller or Register of the State Land Office, the amount of lands sold, and the price for which the same was sold, under the Act of April twenty-sixth, eighteen hundred and fifty-eight, in order that the provisions of section eight of the Act of April twenty-second, eighteen hundred and sixty-one, may be carried out.

SCHOOL LANDS—FIVE HUNDRED THOUSAND ACRE GRANT.

No additional sales of these lands have been made since the date of the report of eighteen hundred and sixty. I repeat from it the disposition that has been made of this grant :

Description.	Acres.
Sold under School Land warrants issued prior to the passage of the Act of April 23d, 1858	237,760.00
Sold for cash since the passage of the Act of April 23d, 1858.....	261,197.83
Total disposed of.....	498,957.83

Leaving a balance of one thousand and forty-two and seventeen one-hundredths acres, which is reserved as a margin to correct errors in the final adjustment of the grant.

There have been re-locations of these lands during the past year to the amount of one thousand five hundred and ninety-three and ninety-eight one-hundredths acres, and patents have been issued for nine hundred and sixty acres.

SCHOOL LAND WARRANTS,

Located under Act of April 23, 1858.

Where Located.	Acres.
In the Marysville District, four Locations have been made this year, amounting to.....	1,600.00
Total to date of this Report.....	17,612.00

STATE SCHOOL LAND WARRANTS,

Located upon Unsurveyed Lands, under Act of April 18, 1859.

Locations.	Acres.
Approved Locations within the present year.....	17,600.00
Unapproved Locations within the present year.....	3,680.00
Total approved and unapproved Locations to date of this Report.....	57,760.00

SEMINARY LANDS.

Description.	Acres.
Amount of Grant of 72 Sections.....	46,080.00
Total Located at date of Report of 1860.....	38,846.82
Located in Humboldt District since.....	480.00
Located in San Francisco District since.....	320.00
Total returned to this office at date.....	39,646.82
Balance unreturned.....	6,433.18

After the passage of the law providing for the sale of these Lands, they were apportioned to the different Land Districts. In some districts, applications have not been made for the full apportionment, leaving on hand the balance above, which will be again distributed where it is most wanted.

SWAMP LANDS.

From the segregation surveys returned to this office by the County Surveyors, the information contained in the following table has been compiled, to which is added a list of the amounts of Swamp Land sold during the year ending December thirteenth, eighteen hundred and sixty-two.

COUNTIES.	Returned by U. S. Surveyor as Swamp Lands.....	Sold by the State as Swamp Lands.....	Sold by the State, and claimed by the United States.....	Sold by the State, and claimed by the United States, but shown to be Swamp Lands by affidavits.....	Total amount of Swamp Land returned.....	Swamp Land Surveys returned, to be approved during the year ending Dec. 15, 1862.....
Sutter.....	39,610.15	58,804.00	12,030.44	10,080.60	111,194.19	499.71
Colusa.....	26,384.00	12,725.00	.....	.....	98,842.00	853.23
Humboldt.....	not shown..	9,919.00	.....	.....	21,970.70	155.64
Placer.....	no surveys.	11,350.00	.....	.....	13,120.00	1,680.00
Sonoma.....	.....	9,944.00	.....	.....	21,211.17	.....
Monterey.....	.....	893.55	.....	.....	2,388.51	553.39
Sacramento.....	27,840.00	146,911.30	14,922.57	9,797.62	162,014.66	1,465.89
Alameda.....	no surveys.	10,032.33	.....	.....	37,133.19	781.20
Santa Clara.....	.....	4,314.89	.....	.....	14,566.74	6,551.71
Lake.....	not shown..	2,968.93	.....	.....	5,759.65	.....
Yolo.....	53,738.00	119,775.00	14,980.00	7,500.00	182,486.44	4,031.86
San Joaquin.....	not shown..	186,124.00	1,600.00	1,600.00	235,571.55	5,547.12
Solano.....	24,520.00	71,519.00	.....	.....	99,858.00	4,174.64
Napa.....	.....	9,462.00	.....	.....	12,060.00	.....
No Segregation Surveys made—	.....	.....	.....	.....	.....	.....
Contra Costa.....	.....	.....	.....	.....	.....	258.07
San Mateo.....	.....	.....	.....	.....	.....	8,129.57
Fresno.....	.....	.....	.....	.....	.....	1,280.00
Tulare.....	.....	.....	.....	.....	.....	80.00
Total Segregated....	.....	.....	.....	.....	1,018,166.80	.....
Total returned during past year.....	.....	.....	.....	.....	.....	36,042.03

Of the amount returned during the past year, thirteen thousand nine hundred and forty-five and thirty-three one-hundredths are embraced in resurveys of forfeited lands.

FLOOD STATISTICS.

During the prevalence of the floods of last winter, while the incidents connected with them were fresh in the memory of all, copies of the following circular, the object of which is explained by itself, were addressed to each of the County Surveyors throughout the State. At the same time, letters were addressed to responsible persons in different parts of the State, requesting them to furnish this office with any reliable information regarding the destruction by the late flood of any old landmarks or evidences of antiquity, which would tend to show the extent of the floods of eighteen hundred and sixty-two, as compared with those of former years :

[CIRCULAR.]

SURVEYOR-GENERAL'S OFFICE,
Sacramento, February 13th, 1862. }

SIR:—It is deemed of utmost importance to preserve in concise form in the State archives, for future reference, as much statistical information as possible in regard to the recent floods throughout the State.

The most proper method of obtaining such information seems to be through the Surveyors of the several counties, acting under instructions from the Surveyor-General.

There is no appropriation out of which such services can be paid, but it is hoped that an interest in the general welfare will prompt each of the County Surveyors to as efficient a performance of this duty as possible.

You will therefore, whenever opportunity occurs, so far as it can be done without expense to the State, collect all possible information upon the points indicated below, and any other information you may deem of importance in this connection, and report to this office in July next :

First—The extreme height above low water at any well designated points upon streams in your county.

Second—Date of highest water.

Third—The general depth over the adjacent lands.

Fourth—The approximate quantity of land overflowed in your county.

Fifth—If the banks of the streams have been seriously affected, state in what manner and to what extent.

Sixth—If any bars were formed, or considerable change of channel occasioned, state the facts and circumstances.

Seventh—If there was much deposit upon submerged lands, state the general depth and character of it.

Eighth—Upon Swamp and Overflowed Lands, state the depth of water and general direction of the current, depth of deposit, etc.

It is suggested also, that all persons having facilities for doing so, should be requested to mark distinctly, upon large trees, or other objects not liable to removal, the point of highest water.

The value of this information will readily suggest itself to the Surveyors of counties containing Swamp Lands belonging to the State, in reference to their future reclamation.

Very respectfully, your obedient servant,

J. F. HOUGHTON,
Surveyor-General.

To ——— ———, County Surveyor,
————— County, California.

The result, so far as answers have been received, has been highly satisfactory, and the testimony furnished in the report of Amos Matthews, County Surveyor of Yolo, and of Dr. Louis M. Booth, of Stanislaus, furnish strong circumstantial evidence that the flood of eighteen hundred and sixty-two is without a parallel in centuries past.

In Yolo County, Indian mounds of great depth, formed of the lightest material, which would almost float in still water, bearing unmistakeable evidence of great antiquity in the large oaks growing upon them, have been almost entirely carried away, trees and all, leaving strewn along the course of the current, numberless skulls and other bones of the tribes who once inhabited the Valley of the Sacramento, and who made these mounds, at the same time the home of the living and the resting-place of the dead.

Reliable information has reached me of the destruction, by the rising of the waters melting the sun-dried bricks of which it was constructed, of an old adobe house in Solano County, built twenty-five years since, in a position which had ever before been above the rise of the waters. Evidence which is believed to be reliable, has been received of a similar disaster to an old adobe, built in the valley of Russian river fifty years since.

By the report of Dr. Booth it will be seen that the Stanislaus river, which, to all appearances, had for centuries discharged its waters through its proper channel, and allowed alluvial deposits to accumulate upon its banks to the depth of ten or twelve feet, and upon the top of this deposit oaks from five to ten feet in diameter to grow undisturbed for more than three hundred years, during the great flood of eighteen hundred and sixty-two tore away its old banks, carried away considerable tracts of land well grown over with timber, and uprooted and carried down its swollen stream the trees which its waters had so long nourished, and in some places left its old bed, and formed a new channel entirely away from it.

The report of Mr. Drew, County Surveyor of San Joaquin, in answer to the circular, contains full statistics of the flood in the vicinity of Stockton, and the county, which will be valuable in reference to the reclamation of the great body of Swamp Lands bordering the San Joaquin and other rivers in that county.

The County Surveyors of Lake and Fresno have also furnished valuable information respecting the flood in their counties.

An erroneous impression prevails to a considerable extent, created chiefly by a series of well written articles published last spring in several public journals of the State, that the Straits of Carquinez, connecting Suisun and San Pablo Bays, have, by incapacity to discharge a sufficient amount of water, contributed largely to the overflow of the Sacramento Valley.

It is a well admitted and self-evident principle in hydraulics, that when an obstruction to the free passage of any current of water occurs, it is accompanied by a corresponding rise in the water. Had the writer of these articles applied this simple test to the Straits of Carquinez, no complaints would have been made of their want of capacity.

The highest water ever known at Benicia was occasioned by an extraordinary high tide, being eight inches higher than any previous spring tide, and occurring about the fifth or sixth of January, eighteen hundred and sixty-two, or several days before the highest flood, and at no time afterwards was the water so high as on that day.

Upon the Swamp Lands bordering the Suisun Bay on the north, at a distance of about a mile below Collins' Landing, hogs lived all winter,

with no floating islands to flee to, showing that there could not have been two feet of water at any time on the marsh.

Ascending the Sacramento, at a distance of a mile above Collins', the water was about four feet over the marsh, and at Rio Vista it had increased to about eight feet.

FLOATING ISLANDS.

These curious phenomena, existing, so far as observed, only in the delta at the mouths of the Sacramento and San Joaquin, and along the banks of the last named river, having attracted considerable attention during the floods, I caused an examination to be made by persons in whom I placed reliance, to ascertain their origin. They were found to be an aggregation of strong fibrous grasses and roots, which had overgrown sloughs and small lakes, which frequently occur in the Swamp Lands, interweaving and increasing in thickness until sufficiently buoyant and strong to bear live stock, and even loaded wagons.

Some cases were found where it was thought this mass of grass and roots rested upon, without adhering to, quicksands beneath, and were floated by rising water. A knowledge of the locality of these islands would be valuable with reference to reclamation.

Reports have been received from Surveyors of the following counties only: Yolo, San Joaquin, Lake, and Fresno.

It is much to be regretted that notwithstanding the law requiring them to report to this office is plain, and indicates to them what they shall report upon, so few of them feel sufficient interest to comply with the law.

I am under many obligations to Dr. Thomas M. Logan, of Sacramento, for valuable information which he has allowed me to compile from his most complete and reliable records; also, for a chart showing the oscillations of the Sacramento river, with full tables of meteorological observations at Sacramento, extending over a period of thirteen years.

Also, to Mr. William A. Begole, of Red Dog, Nevada County, for measurements of rain falling at that place from December twenty-third, eighteen hundred and sixty-one, to June twelfth, eighteen hundred and sixty-two, showing by actual measurement that there fell during that time, seventy-nine and fifty-three one-hundredths inches of rain, and he estimates that before the twenty-third of December there had fallen about thirty inches, which would give for the whole season upwards of nine (9) feet of rain, a quantity without a parallel in the history of observations.

I am also indebted to Hon. W. H. Lyons, of Stockton, for valuable information collected and forwarded by him, at my request. All of which information, charts, tables, and reports, are herewith submitted.

From all the information I have been able to collect, which is not as full as I had reason to hope would be furnished in response to the circular to County Surveyors, yet is quite satisfactory, I have found the following remarkable combination of circumstances tending to produce the floods of December ninth, eighteen hundred and sixty-one, and January tenth, eighteen hundred and sixty-two, and continuing several weeks later:

During the latter part of the month of November, and the first few days of December, eighteen hundred and sixty-one, large quantities of snow fell in the mountains to the east and north of us.

The average temperature of the month of December for eight years,

at Sacramento, is forty-six and thirty-one one-hundredths degrees, ($46^{\circ}.31$) December, eighteen hundred and sixty-two, being forty-three degrees (43°); while the average of December, eighteen hundred and sixty-one, reaches the high figures of fifty and ninety-eight one-hundredths degrees, ($50^{\circ}.98$), and the few days preceding the flood still higher, as follows: December seventh, fifty-six degrees (56°); December eighth, fifty-seven and sixty-six one-hundredths degrees ($57^{\circ}.66$); December ninth, fifty-one and sixty-six one-hundredths degrees, ($51^{\circ}.66$.)

On each of these days a warm rain was falling, which rapidly melted the large accumulations of snow in the mountains, and the rivers, already high, receiving these accessions of rain and melted snows of the seventh and eighth of December, reached here on the ninth of December, with the result already too well known.

Mr. Begole, as is shown by his report, also estimates that previous to the twenty-third of December, some thirty inches of rain had fallen, and although we have no positive measurements of each day's downfall, reports which were received daily from the interior show that the weather in many mountain localities was warm, and heavy rains were falling for several days preceding the flood of December ninth.

The flood of January, eighteen hundred and sixty-two, which reached its highest point at Sacramento about nine o'clock P. M. of the tenth of said month, combined all the unfavorable circumstances of that of the previous month, with the most remarkable downfall of rain ever recorded.

The temperature at Sacramento for a few days previous to and succeeding the highest stage of water, was: for December seventh, forty-seven degrees (47°); December eighth, fifty and sixty-six one-hundredths degrees ($50^{\circ}.66$); December ninth, fifty-four and sixty-six one-hundredths degrees ($54^{\circ}.66$); December tenth, fifty-seven degrees (57°); December eleventh, fifty-seven and sixty-six one-hundredths degrees ($57^{\circ}.66$); while the average of the whole month was only forty-six and forty-one one-hundredths degrees, ($46^{\circ}.41$) and the average of January for eight years, was forty-five and fifty-nine one-hundredths degrees, ($45^{\circ}.59$).

Allowing a corresponding high temperature for the mountain counties, nearly every particle of snow must have been melted and hurried off to the first common receptacle, the great valley of the Sacramento.

This theory is well borne out by the facts, for in the early part of January nearly all the snow which had accumulated on the mountain tops since the December flood had disappeared, showing that a high temperature prevailed there as well as at Sacramento.

This high temperature, as will be shown by reference to the reports of Mr. Begole and Dr. Logan, was accompanied by the most remarkable and almost incredible fall of rain, before referred to.

Mr. Begole reports from December twenty-third to December thirtieth, seven and fifty one-hundredths inches of rain; December thirtieth to January ninth, six and sixty-five one-hundredths inches; January tenth, five and eighty-two one-hundredths inches; January eleventh, five and fifty one-hundredths inches; being a total of twenty-five and forty-seven one-hundredths inches in nineteen days, or eleven and thirty-two one-hundredths inches in forty-eight hours, ending with January eleventh. This includes ten inches of snow, which is reduced to rain, being about equal to one inch; and also shows a total of forty-five and three one-hundredths inches falling in that locality from December twenty-third to January twenty-third.

Dr. Logan's report shows that on the eighth of January there fell at

Sacramento, six hundred and eighty one-thousandths inches rain; January ninth, one and four hundred one-thousandths inches; January tenth, seven hundred and sixty one-thousandths inches; January eleventh, nine hundred and ninety-six one-thousandths inches; and a total for the month, of fifteen and thirty-six one-thousandths inches. The nearest approach to which was in December, eighteen hundred and forty-nine, in which fell twelve and one half inches; and next, in March, eighteen hundred and fifty, in which month fell ten inches.

In view of all the above facts, the greatest wonder is that the water did not obtain a greater height than even that of January tenth, eighteen hundred and sixty-two.

I have presented these facts, together with the absence of evidence of any similar occurrence in the past, to show how remote is the probability of another such combination of unfavorable circumstances in the future, and to restore, so far as it may, confidence to the purchasers of State Swamp and Overflowed Lands bordering the great artery of the State, that another such overflow cannot reasonably be anticipated in their lifetime.

OFFICE APPROPRIATIONS.

I desire to call your attention to the fact that in the Act making appropriations for the support of the civil government for the fourteenth fiscal year, the following very necessary appropriations for the Surveyor General's and Register's office were, by some oversight, omitted:

Postage and expressage.

Porter for the two offices.

Copying township maps for County Surveyors.

Postage I have been compelled to pay out of my private funds as the bills were presented. Expressage, after much annoyance and correspondence with County Surveyors and Locating Agents, requiring them to pay charges on packages which properly belonged to the State to pay, was finally adjusted by an arrangement with Wells, Fargo & Co.'s Agent at Sacramento to take packages from the office and charge to the State, trusting to the coming Legislature for their pay.

This neglect of the last Legislature was exceedingly annoying, and in the month of July upwards of a thousand documents were detained in the office for want of provision for postage and expressage, and had I followed strictly the letter of the law, they would have remained there to this day, and no documents or letters requiring postage or express charges, would have gone from this office.

Every patent issued for Swamp or School Lands requires to be taken from the Register's office to the Governor for signature, from there to the Secretary of State for signature and seal, and returned to the Register's office for record.

For this and other duties belonging to a Porter, such as carrying matter to and from the post and express, and sweeping offices, attending fires, etc., a Porter has been employed for the Surveyor-General's and State Land Office, for the payment of whom I recommend an appropriation of three hundred dollars for the fourteenth fiscal year.

Previous to my assuming the duties of this office, appropriations were made every year for copying the township maps purchased of the United States Surveyor General as the lands are surveyed, for the use of the Surveyors of the counties in which the lands were located.

This appropriation was omitted last session, and at the same time

the clerical force of my office was reduced by compelling the payment into the State Treasury of fees which were heretofore allowed to be expended for additional clerks. The result has been, that with the reduced force and the many additional duties imposed, it has been impossible to furnish County Surveyors with these copies.

The following statement will show the difference in appropriations for maintaining the Surveyor-General's office and the State Land Office, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, aside from salary of Surveyor-General and Register:

<i>For the Year 1861.</i>	
Salary of two Clerks for Land Office.....	\$4,800 00
Salary of one Clerk for Surveyor General's office.....	2,400 00
Fees allowed to be retained by Act of April 22d, 1861, for additional Clerk hire, about.....	1,500 00
Porter for State Land Office and Surveyor General's office...	300 00
Allowed for preparing Swamp Land Map.....	1,000 00
Allowed for purchasing United States Township Maps.....	500 00
Allowed for copying United States Township Maps for County Surveyors and Locating Agents.....	250 00
Allowed for Rent.....	720 00
Allowed for Contingents, including Postage, Express, etc....	800 00
Total for 1861.....	\$12,270 00

<i>For the Year 1862.</i>	
Salary of two Clerks for Land Office.....	\$4,200 00
Salary of one Clerk for Surveyor-General's office.....	1,800 00
Additional Clerk for copying affidavits and preparing lists for United States Surveyor-General and Hon. W. H. Parks.....	600 00
Rent of offices.....	720 00
Removal of offices and repairs of furniture.....	200 00
Safe for Land Office.....	400 00
Total for 1862	\$7,920 00
Reduction in favor of 1862	\$4,350 00

Detailed Statement of the expenditure of all appropriations (other than salaries) for the offices of the Surveyor General and Register of the State Land Office, for the last half of the fiscal year of eighteen hundred and sixty-one and eighteen hundred and sixty-two, and the first half of the fiscal year of eighteen hundred and sixty-two and eighteen hundred and sixty-three:

Expressage.....	\$54 97
Lull, Ross & Co., for carpets, curtains, mats, etc.....	242 95
Postage.....	49 16
Newspapers.....	37 00
Removing offices and repairing furniture.....	200 00
Clerical services in preparing information for State Commissioner to Washington.....	600 00
Office rent.....	675 00
Total.....	\$1,858 98

J. F. HOUGHTON,
Surveyor-General and Register.

Sworn to and subscribed before me, this 2d day of January, 1863.

A. K. GRIM,
Notary Public, Sacramento County, Cal.

Deficiency of appropriations for Surveyor-General's and State Land Offices for the first half of the fiscal year of eighteen hundred and sixty-two and eighteen hundred and sixty-three:

Postage.....	\$112 98
Expressage.....	144 25
Seal for Surveyor-General.....	30 00
Porter.....	150 00
Total.....	\$487 23

The above indebtedness has actually been incurred, the contingent item having been accidentally omitted in the last annual appropriation bill. It is recommended that an appropriation of one thousand dollars be now made to cover the above amount, the similar sum which will be needed for the same purposes during the remaining half of the fiscal year, and to provide for the binding of the copies of the United States township maps, and other maps and plats required for daily use, and now in inconvenient form and liable to injury.

INCHES OF RAIN FALLING AT SACRAMENTO

During the Months of December, 1861, and January, 1862, also the mean of the Thermometer during the same time.

DECEMBER.			JANUARY.		
Days.	Inches of Rain.	Mean Temp.	Days.	Inches of Rain.	Mean Temp.
1	.....	59	1	.....	51
2	0.015	57	2	.....	49 $\frac{1}{2}$
3	0.105	57	3	0.020	41 $\frac{3}{8}$
4	0.010	50	4	.....	38 $\frac{3}{8}$
5	.....	44 $\frac{1}{8}$	5	2.080	41 $\frac{3}{8}$
6	0.020	48	6	0.610	41 $\frac{3}{8}$
7	0.030	56	7	.....	47
8	0.080	57 $\frac{3}{8}$	8	0.680	50 $\frac{3}{8}$
9	0.910	51 $\frac{3}{8}$	9	1.400	54 $\frac{3}{8}$
10	.....	47 $\frac{3}{8}$	10	0.760	57
11	.....	48	11	0.996	57 $\frac{3}{8}$
12	0.008	47	12	.....	53
13	0.012	46	13	.....	48 $\frac{1}{8}$
14	0.010	46 $\frac{1}{8}$	14	0.680	45
15	.....	48	15	.....	41
16	0.025	48 $\frac{1}{8}$	16	0.950	42
17	.....	49 $\frac{3}{8}$	17	3.460	46 $\frac{3}{8}$
18	.....	50	18	.....	52 $\frac{1}{8}$
19	0.120	50 $\frac{1}{8}$	19	.....	51 $\frac{3}{8}$
20	.....	50	20	1.650	54 $\frac{3}{8}$
21	0.030	47 $\frac{3}{8}$	21	0.860	55
22	0.480	50	22	0.700	56
23	1.040	51 $\frac{1}{8}$	23	.....	51
24	0.470	53 $\frac{3}{8}$	24	.....	45 $\frac{1}{8}$
25	.....	49 $\frac{1}{8}$	25	.....	44
26	2.230	50 $\frac{1}{8}$	26	.....	42 $\frac{1}{8}$
27	0.210	52 $\frac{3}{8}$	27	.....	35 $\frac{3}{8}$
28	0.130	51 $\frac{3}{8}$	28	.....	35
29	0.430	58 $\frac{3}{8}$	29	0.250	37 $\frac{1}{8}$
30	0.660	54 $\frac{3}{8}$	30	.....	37 $\frac{1}{8}$
31	0.170	53 $\frac{3}{8}$	31	.....	36
	Total...8.637	Mean....50.98		Total..15.036	Mean....46.41

Mean Temperature for December, for eight years.....43.
Mean Temperature for January, for eight years45.59.

RED DOG, December 25th, 1862.

Hon. J. F. HOUGHTON,
Surveyor-General:

DEAR SIR:—I have just received your communication of December twenty-second, and in reply would state that I kept an account of the amount of rain that fell at this place after the twenty-third day of December, A.D. eighteen hundred and sixty, to June twelfth, eighteen hundred and sixty-one, and if the account is of any benefit to you I give it with pleasure, because I consider it the duty of every citizen to afford such information when it is in their power to do so.

Date.	Remarks.	Inches.
1861.		
December 30.....	For week ending at date	7.50
1862.		
January 1 to 9...	Including snow of ten inches.....	6.65
January 10.....	Twenty-four hours.....	5.82
January 11.....	Twenty-four hours.....	5.59
January 12.....	Twenty-four hours.....	.50
Jan. 12 to Jan. 18	Six days, including snow.....	8.50
Jan. 19 and 20...	Two days.....	3.63
January 21.....	Twenty-four hours.....	2.25
January 22.....	Twenty-four hours.....	3.00
January 23.....	Twenty-four hours.....	1.68
January 24.....	Slight snow squalls, with clear and cold night. Thermometer at 8, A. M. 20°.....	
January 25.....	Clear and cold. Thermometer at sunrise, 18°...	
January 26.....	Clear and cold. Thermometer at sunrise, 18°...	
January 27.....	Cloudy and cold. Thermometer at sunrise, 16°, with three fourths of an inch of snow.....	
January 28.....	Clear and cold. Thermometer at sunrise, 6°...	
January 29.....	Snow. Thermometer at 7, A. M. 22°.....	
January 30.....	Snow sixteen inches deep. Thermometer at 7, A. M. 30°.....	
January 31.....	Clear and cold. Thermometer at 7 A. M. 20°...	
February 1.....	Cold and cloudy. Thermometer at 7 A. M. 26°. Amount of water in snow.....	1.84
February 2.....	Clear and cold. Thermometer at 7 A. M. 22°...	
February 3.....	Snow. Thermometer at 7 A. M. 32°.....	
February 4.....	Clear. Water in snow.....	.68
Feb. 4 to Feb. 18	Clear, with cold and freezing nights.....	
February 19.....	Snow squalls.....	
February 20.....	Clear.....	
February 21.....	Snow.....	
February 22.....	Snow and rain.....	
February 23.....	Rain.....	
February 24.....	Amount of water falling in three days past.....	4.14
	Carried forward.....	51.69

Date.	Remarks.	Inches.
1862.	Brought forward	51.69
Feb. 25 and 26 ..	Rain.....	4.87
February 27	Rain.....	1.48
February 28.....	Rain.....	
March 1.....	Rain.....	.22
March 2.....	Clear.....	
March 3.....	Clear.....	
March 4.....	Clear.....	
March 5.....	Rain.....	.37
March 6.....	Fair.....	
March 7.....	Snow.....	
March 8.....	Fair.....	
March 9.....	Snow.....	
March 10 and 11	Rain.....	2.25
March 12.....	Warm rain.....	1.25
March 13.....	Clear.....	
March 14.....	Rain.....	.75
March 15 and 16	Rain.....	3.00
March 17 to 25..	No rain.....	
March 26 and 27	Rain.....	1.50
Mar. 28 to Apl. 8	Rain	4.50
April 8 to 10	Rain.....	.50
April 10 to 14 ...	Slight rains.....	1.10
April 14 to 30 ...	No rain	
May 1, 2, and 3..	Rain	4.10
May 9, 10, and 11	Snow and rain	1.25
June 2.....	Rain.....	.25
June 9.....	Rain.....	.20
June 12.....	Rain.....	.25
	Making in all, after December 23	79.53

There was probably about thirty inches fell before I commenced measuring it. The mean temperature I have not kept.

The foregoing table is just as I have kept it. It affords me pleasure in transmitting it to you.

All of which is respectfully submitted.

Yours,

WM. A. BEGOLE.

ASSESSORS' REPORTS.

Assessors' Reports are much more complete than have before been received for several years, and many of them give evidence of much care and attention, while others have been prepared in a rough manner, and seem to be careless estimates of the Assessor. The importance of obtaining correct statistical information of every branch of industry of our

State, in this age of enlightenment, when statistics have been reduced to a science by older countries, cannot be too highly appreciated.

Reports have been received from the following counties, and are herewith submitted:

Alameda.....	Isham Case, Assessor.
Amador.....	Francis McGrath, Assessor.
Butte.....	S. Y. Hale, Assessor.
Calaveras.....	District Assessors
Colusa.....	H. W. Brown, Assessor.
Contra Costa.....	N. J. Clarke, Assessor.
Del Norte.....	George W. Russell, Assessor.
El Dorado.....	George McDonald, Assessor.
Fresno.....	Thomas Allen, Assessor.
Humboldt.....	R. Wiley, Assessor.
Klamath.....	B. F. Pike, Assessor.
Lake.....	E. L. Musick, Assessor.
Mariposa.....	John J. Grinter, Assessor.
Mariposa.....	George W. Cornell, Assessor.
Mendocino.....	John Benton, Assessor.
Merced.....	Job Wheat, Assessor.
Monterey.....	W. V. McGarvey, Assessor.
Napa.....	A. B. Walker, Assessor.
Nevada.....	George B. McKee, Assessor.
Plumas.....	William W. Kellogg, Assessor.
Sacramento.....	E. B. Ryan, Assessor.
San Bernardino.....	W. T. Hughes, Assessor.
San Francisco.....	C. C. Webb, Assessor.
San Joaquin.....	J. M. Long, Assessor.
San Luis Obispo.....	Valentine Gajola, Assessor.
San Mateo.....	S. H. Snyder, Assessor.
Santa Clara.....	D. M. Harwood, Assessor.
Santa Cruz.....	Nelson Taylor, Assessor.
Shasta.....	C. Watkins, Assessor.
Sierra.....	A. Marmon, Assessor.
Siskiyou.....	Thomas O. Rourke, Assessor.
Solano.....	Cyrus Ayer, Assessor.
Sonoma.....	A. Walker, Assessor.
Stanislaus.....	G. W. Curry, Assessor.
Sutter.....	R. A. Clarke, Assessor.
Tehama.....	Samuel English, Assessor.
Trinity.....	G. F. Miers, Assessor.
Tulare.....	R. B. Sagely, Assessor.
Yolo.....	C. J. Overshiner, Assessor.
Yuba.....	T. J. Sherwood, Assessor.

For Placer, San Diego, Tuolumne, and Los Angeles, from which no reports have been received, the statistics of the preceding years have been used in preparing the accompanying tables.

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Alameda:
Amador
Butte...
Calaver:
Colusa..
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Fresno.
Humbol
Klamat
Lake....
Mar...
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Sutter.
Tehama
Trinity
Tulare.
Yolo....
Yuba..

For
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STATISTICAL TABLES.

TABLE OF STATISTICS

Compiled from the Official Reports of County Assessors, for the Year 1861, returned to the Surveyor-General.

COUNTIES.	Acres of Land enclosed.....	Acres of Land cultivated.....	WHEAT.		BARLEY.	
			Acres.....	Bushels.....	Acres.....	Bushels.....
Alameda.....	81,460	84,320	18,000	600,250	6,000	240,300
Amador.....	38,483	10,200	1,460	34,800	1,540	46,200
Butte.....	75,000	38,500	10,000	250,000	8,000	240,000
Calaveras.....	43,053	8,242	201	2,887	1,263	23,466
Colusa.....	105,360	42,051	16,538	.....	17,961	.....
Contra Costa.....	.....	.....	.....	611,696	.....	193,062
Del Norte.....	.....	.....	.....	.....	.....	.....
El Dorado.....	.....	.....	178	.....	1,958	.....
Fresno.....	4,975	3,980	450	8,500	1,000	19,000
Humboldt.....	15,120	8,558	1,388	31,653	65	3,918
Klamath.....	2,185	1,383	667	10,005	.....	.....
Lake.....	24,550	4,593	1,713	34,260	903	13,475
Los Angeles.....	.....	11,040	2,500	4,000	2,400	7,000
Marin.....	97,960	10,881	3,055	61,109	800	20,000
Mariposa.....	9,436	2,469	.....	.....	200	6,000
Mendocino.....	95,500	50,400	11,000	300,000	7,200	200,000
Merced.....	18,720	14,340	1,650	34,720	4,700	76,800

Monterey.....	98,000	19,765	5,350	107,000	7,460	223,800
Mono.....	78,641	26,525	21,253	425,060	681	20,430
Napa.....			180	3,740		220
Nevada.....			5,000	170,000	4,450	130,400
Placer.....						
Plumas.....	80,089	29,998	7,357	162,069	15,523	263,379
Sacramento.....	29,000	15,000	2,000	42,000	4,000	40,000
San Bernardino.....	4,500	3,000	600	1,000	1,300	20,000
San Diego.....			806	31,421		7,240
San Francisco.....		164,150	65,850	987,750	49,400	988,000
San Joaquin.....	257,225	2,000	300	3,000	700	6,000
San Luis Obispo.....	39,000	26,353	10,000	220,000	4,252	140,000
San Mateo.....	104,200	6,000		800		5,600
Santa Barbara.....			75,000	1,500,000	20,000	500,000
Santa Clara.....	375,000	160,000	5,275	145,422	3,439	129,930
Santa Cruz.....	55,632	17,916	1,200	124,000	3,000	20,000
Shasta.....					3	100
Sierra.....	300	150				
Siskiyou.....	53,000	10,000	3,900	175,000	1,800	54,000
Solano.....	360,582	82,828	32,388	1,133,580	4,048	161,920
Sonoma.....	193,161	47,794	14,051	386,283	4,040	137,729
Stanislaus.....	20,000	13,580	3,616	10,848	4,416	13,848
Sutter.....	80,200	28,850	6,400	145,800	10,150	200,000
Tehama.....	39,841	19,919		78,315		39,163
Trinity.....	8,457	2,534	100	2,000	100	2,500
Tulare.....	25,000	10,225	500	150,000	3,000	90,000
Tuolumne.....	14,370	11,200	1,585	3,758	795	1,762
Yolo.....	110,000	50,976	25,000	750,000	16,600	560,000
Yuba.....	83,148	31,572	2,840	62,634	10,670	348,300
Totals.....	2,703,148	1,071,082	361,351	8,805,411	223,217	5,293,442

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	OATS.		RYE.		CORN.		BUCKWHEAT.		PEAS.	
	Acres	Bushels.....	Acres	Bushels.....	Acres	Bushels.....	Acres	Bushels.....	Acres	Bushels.....
Alameda.....	1,000	4,000								
Amador	110	3,300	5	70	720	28,800			16	320
Butte	350	10,500			100	3,000				
Calaveras	143	1,942			13	537				
Colusa					792					
Contra Costa.....		87,551		200						
Del Norte.....										
El Dorado.....	2,083									
Fresno										
Humboldt.....	491	23,490			160	3,200				
Klamath.....	265	3,975	35	455	56	1,400				
Lake	459	11,475								
Los Angeles.....	50	1,000	10	250	616	12,320			6	120
Marin.....	3,001	60,000			1,500	60,000			20	500
Mariposa	200	1,000								
Mendocino	5,700	170,000	100	2,000	2,000	60,000	50	700	4	
Merced			42	830	550	14,760			100	

Monterey	300	9,000	.....	.....	600*	12,000	75	2,250	50	1,200
Mono .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Napa	441	13,230	110	.....	1,215	200	30	.....	23	.....
Nevada .....	.....	300	.....	.....	.....	.....	.....	.....	.....	.....
Placer	80	3,274	4	.....	6	.....	.....	.....	.....	.....
Plumas .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
∞ Sacramento	1,674	25,625	10	2,000	265	8,295	.....	.....	15	.....
San Bernardino .....	.....	.....	50	1,000	100	4,000	.....	.....	.....	6
San Diego .....	.....	.....	5	.....	100	.....	.....	.....	.....	200
San Francisco .....	.....	1,200	.....	.....	.....	.....	.....	.....	.....	1,200
San Joaquin	1,800	36,000	700	1,400	650	19,500	580	11,600	20	.....
San Luis Obispo .....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....
San Mateo	4,500	180,000	.....	.....	.....	1,500	.....	.....	.....	.....
Santa Barbara .....	.....	2,500	.....	.....	.....	20,000	.....	.....	.....	.....
Santa Clara	2,000	60,000	.....	.....	500	.....	.....	.....	.....	.....
Santa Cruz	941	26,493	.....	.....	148	3,986	.....	.....	.....	.....
Shasta	900	13,150	.....	.....	500	10,000	.....	.....	.....	.....
Sierra .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Siskiyou	2,100	63,000	40	1,000	150	6,000	10	300	40	1,200
Solano	500	25,000	12	300	20	600	.....	.....	20	.....
Sonoma	4,477	173,685	.....	.....	2,652	80,463	.....	.....	.....	.....
Stanislaus .....	.....	.....	130	3,000	135	6,000	.....	.....	.....	.....
Sutter	85	950	.....	.....	800	14,000	.....	.....	.....	.....
Tehama	100	5,000	.....	.....	.....	.....	.....	.....	2	50
Trinity	75	2,000	.....	.....	6	108	.....	.....	.....	.....
Tulare	200	8,000	.....	.....	1,000	33,000	.....	.....	11	.....
Tuolumne	763	312	87	.....	95	.....	.....	.....	50	2,500
Yolo .....	.....	.....	75	3,000	150	6,000	.....	.....	.....	.....
Yuba	1,819	30,640	.....	.....	1,840	68,500	.....	.....	.....	.....
Totals	26,607	1,057,592	1,415	15,505	17,339	473,169	745	14,850	427	7,196

TABLE OF STATISTICS—Compiled from the *Official Reports of County Assessors*—Continued.

COUNTIES.	BEANS.		POTATOES.		SWEET POTATOES.		ONIONS.		HAY.	
	Aeres.....	Bushels.....	Aeres.....	Bushels.....	Aeres	Bushels.....	Aeres.....	Bushels.....	Aeres.....	Tons.....
Alameda.....	.....	.....	800	50,000	.....	.....	200	5,400	2,050	4,000
Amador.....	12	260	115	9,200	2	240	.....	.....	5,780	6,180
Butte.....	8	.....	30	5,250	20	6,000	.....	.....	8,500	10,000
Calaveras.....	16	.....	87	1,829	.....	.....	.....	.....	4,323	5,218
Colusa.....	18	.....	.....	.....	.....	.....	.....	.....	8,221	.....
Contra Costa.....	.....	5,791	.....	8,000	.....	.....	.....	.....	.....	.....
Del Norte.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
El Dorado.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fresno.....	1	15	.....	371	4	520	.....	.....	900	1,050
Humboldt.....	.....	.....	4	27,680	.....	.....	.....	.....	.....	.....
Klamath.....	.....	.....	457	2,500	.....	.....	.....	.....	.....	.....
Lake.....	.....	.....	25	2,500	2	200	.....	.....	2,001	2,966
Los Angeles.....	150	4,500	22	700	6	600	5	100	250	400
Marin.....	20	.....	70	133,500	.....	.....	.....	.....	1,800	3,600
Mariposa.....	5	.....	1,225	5,000	.....	.....	10	2,000	2,000	3,000
Mendocino.....	30	.....	50	.....	.....	.....	30	.....	16,000	30,000
Merced.....	230	2,560	175	4,750	101	830	.....	.....	1,837	2,470

Monterey.....	400	6,000	425	170,000	.....	10	400	3,000	6,500
Mono.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Napa.....	25	.....	.....	.....	.....	.....	.....	7,254	8,224
Nevada.....	.....	.....	300	.....	.....	.....	.....	900	1,850
Placer.....	.....	.....	8	.....	.....	.....	.....	2,200	1,877
Plumas.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sacramento.....	19	.....	374	129,000	125	160	25,550	9,104	11,725
San Bernardino.....	10	500	20	2,000	.....	10	500	300	600
San Diego.....	25	.....	10	.....	.....	15	.....	.....	600
San Francisco.....	37	751	160	17,200	.....	42	2,042	1,269	1,840
San Joaquin.....	20	1,600	1,200	120,000	10	100	8,000	43,724	49,780
San Luis Obispo.....	800	50,000	200	8,000	.....	.....	.....	.....	.....
San Mateo.....	300	.....	1,200	144,000	.....	.....	.....	.....	.....
Santa Barbara.....	.....	10,500	.....	1,500	.....	.....	300	.....	6,000
Santa Clara.....	1,144	9,861	700	7,000	.....	.....	.....	.....	800
Santa Cruz.....	.....	.....	430	79,095	.....	.....	.....	20,000	30,000
Shasta.....	.....	.....	250	8,000	.....	.....	.....	3,159	5,561
Sierra.....	.....	.....	41	26,000	.....	.....	.....	3,000	3,000
Siskiyou.....	100	3,000	400	24,000	.....	50	20,000	60	125
Solano.....	30	.....	400	40,000	320	160	80,000	5,300	9,000
Sonoma.....	35	250	3,398	185,375	.....	.....	.....	44,890	44,890
Stanislaus.....	.....	.....	.....	.....	.....	.....	.....	10,330	17,337
Sutter.....	.....	600	125	9,900	.....	.....	1,200	9,233	9,233
Tehama.....	.....	5,000	125	12,500	.....	50	6,250	11,900	9,400
Trinity.....	.....	.....	60	6,000	.....	.....	.....	.....	.....
Tulare.....	150	3,000	250	20,000	150	20	600	360	449
Tuolumne.....	.....	.....	170	23,224	.....	7	.....	100	200
Yolo.....	25	.....	350	.....	10	30	.....	4,260	2,061
Yuba.....	14	336	124	14,400	.....	.....	.....	10,468	14,850
Totals.....	3,624	104,524	20,771	1,298,474	6593	901	152,717	250,464	304,791

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	FLAX.		HEMP.		TOBACCO.		ALFALFA.		COTTON.		RICE.	
	Pounds	Acres	Pounds.....	Acres.....	Pounds	Acres.....	Tons.....	Acres.....	Pounds ,....	Acres.....	Pounds	Acres.....
Alameda
Amador
Butte.....	17	.....	.....	.....	.....	.....	.....	.....	.....
Calaveras.....
Colusa	50	.....	.....	.....	.....	.....	.....
Contra Costa
Del Norte.....
El Dorado
Fresno
Humboldt
Klamath
Lake.....	4	.....	.....	9	3	.....	.....	.....	.....
Los Angeles	3	3,000	.....	.....	.....	.....	.....	.....	.....
Marin
Mariposa
Mendocino	10	1,500	.....	.....	.....	.....	.....	.....	.....
Merced	45	60	.....	.....	.....	.....	.....

Monterey	2	.....	.....	.....	10	.....	500	.....	.....	.....	.....	.....
Mono ... ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Napa .....	.....	.....	.....	.....	5	.....	103	.....	.....	.....	.....	.....
Nevada .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Placer .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Plumas.....	.....	.....	.....	.....	.....	850	.....	.....	.....	.....	.....	.....
Sacramento .....	.....	.....	.....	.....	.....	.....	10	50	.....	.....	.....	.....
San Bernardino.....	.....	.....	.....	.....	4	.....	5	.....	.....	.....	.....	.....
San Diego .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
San Francisco.....	.....	.....	.....	.....	6	.....	40	.....	.....	.....	.....	.....
San Joaquin .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
San Luis Obispo.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
San Mateo.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Santa Barbara .....	.....	.....	.....	.....	18	.....	.....	.....	.....	.....	.....	.....
Santa Clara.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Santa Cruz .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Shasta .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sierra .....	.....	.....	.....	.....	.....	.....	250	500	.....	.....	.....	.....
Siskiyou.....	.....	.....	.....	.....	.....	.....	30	.....	.....	.....	.....	.....
Solano .....	.....	.....	.....	.....	6	.....	16	30	.....	.....	.....	.....
Sonoma .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stanislaus.....	.....	.....	.....	.....	23	.....	.....	.....	.....	.....	.....	.....
Sutter.....	.....	.....	.....	.....	.....	1,500	.....	.....	.....	.....	.....	.....
Tehama.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Trinity .....	.....	.....	.....	.....	35	28,000	100	300	.....	.....	.....	.....
Tulare.....	.....	.....	.....	.....	.....	.....	7	5	.....	.....	.....	.....
Tuolumne.....	.....	.....	.....	.....	7	.....	.....	.....	.....	.....	.....	.....
Yolo .....	.....	.....	.....	.....	.....	.....	114	234	.....	.....	.....	.....
Yuba .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals	2	.....	.....	.....	148	34,850	1,273	1,188	.....	.....	.....	.....

TABLE OF STATISTICS—Compiled from the *Official Reports of County Assessors*—Continued.

COUNTIES.	Acres of Sugar Cane.....	Acres of Broom Corn.....	Pounds of Butter.....	Pounds of Cheese.....	Dozens of Eggs.....	Pounds of Wool.....	Bee Hives.....	Pounds of Honey.....
Alameda.....
Amador.....	100	3,800	2,700	16,700	32,600	284	3,000
Butte.....	20	15	.....	.....	.....	.....	175	.....
Calaveras.....	164	.....
Colusa.....	120	.....	20,000	8,000	109,334	363	.....
Contra Costa.....	6	.....	.....	.....	.....	500	.....
Del Norte.....	264	.....
El Dorado.....
Fresno.....	500	5,500	29,000	168	2,100
Humboldt.....	12,162	6,860	.....	210	.....
Klamath.....	37,638	.....	.....	.....	65	650
Lake.....	30,250	55,150	30,850	5,097	284	7,775
Los Angeles.....	30	7,100	1,100	10,000	41,000	.....	.....
Marin.....	200,000	300,000	.....	28,800	129	.....
Mariposa.....	1,500	750	15,000	5,000	40	1,900
Mendocino.....	75	.....
Merced.....	7,360	50	8,690	183,760	537	11,310

Monterey	6	23,000	67,540	45,000	529,836	130	1,250
Mono.....							
Napa.....	87	60,323	2,000	31,000	27,425	1,575	1,025
Nevada						206	
Placer.....							
Plumas							
Sacramento.....		48,931	75,120	28,225	32,860	1,161	8,754
San Bernardino.....	10	20,000	10,000	50,000	15,000	500	5,000
San Diego.....		7,000	4,000	11,000	21,000		
San Francisco.....						25	
San Joaquin.....	50	100,000	7,000	225,000	100,000	1,924	30,000
San Luis Obispo.....							
San Mateo.....		150,000	75,000	6,000			
Santa Barbara		8,000	2,500	16,000	330,000	150	1,500
Santa Clara.....	200	35,000	250,000		65,000		
Santa Cruz.....		44,000	25,910	30,641	10,200	720	500
Shasta.....		20,000	1,500	7,000	18,000	200	10,000
Sierra.....		800		400	50	2	100
Siskiyou.....	15	67,000	13,000	34,000	2,000	85	1,800
Solano.....	10	48,960	40,000	15,000	532,371	240	12,000
Sonoma	893	191,400	66,700	105,717	46,010	1,033	700
Stanislaus.....	20				136,500	829	2,496
Sutter.....	130	45,830		44,600	82,340	430	8,000
Tehama	5	4,985	680	45,670	75,000	225	2,250
Trinity.....		3,975	1,600	390		27	
Tulare.....	15	60,000	30,000	260,000	141,447	1,112	1,101,200
Tuolumne.....				11,500		179	1,322
Yolo	40					905	
Yuba	15			11,540	34,200		24,600
Totals.....	1,722	1,226,852	1,064,962	1,080,283	2,793,830	15,766	1,230,322

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	LIVE STOCK.									
	Horses—American.....	Horses—Spanish (Tame) ..	Horses—Spanish (Wild)...	Horses—Total Number....	Mules	Asses	Cows.....	Calves.....	Stock Cattle.....	Beef Cattle.....
Alameda	9,650	3,000	.....	.....	.....	.....	18,500	4,000	.....	8,000
Amador .....	.....	.....	.....	1,674	190	44	1,980	1,110	2,700	.....
Butte	2,375	1,830	1,725	5,935	1,050	125	2,150	1,075	2,350	630
Calaveras	328	1,722	190	2,240	344	72	3,117	1,791	4,275	.....
Colusa .....	.....	.....	.....	5,206	843	4	7,323	6,457	23,534	.....
Contra Costa.....	.....	.....	.....	4,239	470	3	.....	.....	23,953	.....
Del Norte .....	.....	.....	.....	100	57	.....	190	145	465	.....
El Dorado .....	.....	.....	.....	3,093	1,351	48	3,058	1,197	3,900	.....
Fresno	153	1,356	2,248	3,757	103	70	433	241	55,913	.....
Humboldt .....	.....	.....	.....	2,635	593	8	5,456	7,188	3,730	.....
Klamath .....	.....	127	.....	.....	217	5	156	100	1,176	.....
Lake.....	.....	.....	.....	1,629	39	5	1,261	1,100	7,291	.....
Los Angeles	210	3,100	8,200	11,510	1,070	340	11,000	8,000	14,000	6,000
Marin.....	427	1,478	1,680	3,585	78	.....	8,095	6,500	20,692	1,824
Mariposa	150	850	.....	1,000	276	59	174	1,001	5,000	.....
Mendocino	600	900	1,200	2,700	200	6	10,300	4,500	4,200	400
Merced.....	.....	.....	.....	3,013	241	6	.....	15,335	37,212	.....

Monterey.....	825	1,850	4,800	7,475	375	70	4,702	.....	85,000	.....
Mono.....				6,070	2,027	8	2,878	2,000	3,071	2,025
Napa.....	784				153	90	1,520	.....	2,076	.....
Nevada.....				2,195	470	18	2,241	673	8,490	.....
Placer.....				3,314	754	62	2,116	.....	7,428	.....
Plumas.....				4,378	385	15	4,655	3,495	7,148	.....
San Bernardino.....	150	500	1,000	1,650	200	100	1,500	1,500	6,000	1,000
San Diego.....	20	1,300	2,789	4,109	375	100	1,100	4,500	11,156	1,550
San Francisco.....				3,800	358	275	5,440	621	.....	.....
San Joaquin.....	4,525	5,000	4,900	14,425	2,500	37	10,500	5,000	80,350	400
San Luis Obispo.....		3,000	5,000	8,000	200	.....	500	.....	.....	.....
San Mateo.....	424	1,532	407	2,363	58	30	3,300	2,000	4,624	3,000
Santa Barbara.....	40	2,760	5,559	8,359	124	24	.....	.....	.....	.....
Santa Clara.....					.....	.....	.....	.....	.....	.....
Santa Cruz.....				2,203	65	.....	2,375	.....	10,000	.....
Shasta.....	1,000	600			300	25	2,000	1,000	4,000	3,000
Sierra.....	51				175	.....	99	4	.....	105
Siskiyou.....	927	1,548		2,475	715	23	2,830	1,810	8,415	.....
Solano.....				5,573	328	12	3,278	2,200	14,484	.....
Sonoma.....	1,166	2,333	3,103	7,600	348	9	11,760	7,678	11,288	3,763
Stanislaus.....	477	1,100	2,500	4,077	226	4	2,732	900	31,117	.....
Sutter.....	2,015	1,901	630	4,546	508	2	300	1,501	4,000	600
Tehama.....	1,870	2,000	1,740	5,610	.....	.....	4,531	2,265	4,748	1,699
Trinity.....				241	276	11	226	175	284	100
Tulare.....	943	3,807	1,000	4,807	411	95	25,664	12,000	22,000	10,665
Tuolumne.....	430	1,071		1,501	517	173	1,976	1,229	.....	1,457
Yolo.....				4,806	392	7	.....	.....	.....	.....
Yuba.....				3,000	2,300	108	2,850	2,250	8,400	400
Totals.....	29,540	44,665	48,671	164,293	21,762	2,093	175,260	112,541	544,470	46,618

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	LIVE STOCK—Continued.									
	Oxen.....	Total Number of Cattle....	Sheep	Goats.....	Hogs.....	Chickens.....	Turkeys	Ducks.....	Geese.....	Guinea Fowls.....
Alameda.....	.....	30,500	72,000	.....	6,340	.....	.....	.....	.....	.....
Amador.....	473	6,263	6,770	476	4,876	13,916	994	635	347	.....
Butte.....	475	6,675	42,730	150	28,000	36,200	850	430	285	.....
Calaveras	683	9,866	11,062	640	4,654	13,666	941	1,195	357	.....
Colusa.....	151	37,465	54,667	117	14,970	8,793	5,638	298	157	.....
Contra Costa.....	762	.....	25,715	.....	.....	.....	.....	.....	.....	.....
Del Norte.....	168	.....	800	26	391	445	.....	12	.....	.....
El Dorado.....	1,263	.....	2,138	651	4,220	.....	.....	.....	.....	.....
Fresno	213	56,800	43,353	1,321	7,692	4,953	170	30	.....	.....
Humboldt	772	17,146	584	41	5,498	5,161	178	.....	83	.....
Klamath	74	2,506	356	23	457	959	25	.....	.....	.....
Lake.....	194	9,846	3,871	15	5,500	12,250	3,029	364	210	.....
Los Angeles.....	890	39,800	31,000	320	2,000	8,000	250	300	200	.....
Marin.....	988	38,099	9,618	75	2,623	9,000	623	908	425	.....
Mariposa	750	7,925	2,500	200	3,000	10,000	5,000	100	50	.....
Mendocino.....	700	20,100	9,000	300	25,000	.....	.....	.....	.....	.....
Merced	53	.....	56,618	203	5,114	6,013	487	89	53	.....

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	STOCK SLAUGHTERED.					
	CATTLE.		HOGS.		SHEEP.	
	Number....	Value.....	Number.....	Value.....	Number.....	Value.....
Alameda.....	3,000	.....	1,000	.....	5,000	.....
Amador.....	4,973	\$49,730	3,084	\$21,672	2,560	\$5,120
Butte.....	.....	.....	.....	.....	.....	.....
Calaveras.....	2,905	43,575	2,661	21,288	1,934	3,868
Colusa.....	.....	.....	.....	.....	.....	.....
Contra Costa.....	.....	.....	.....	.....	.....	.....
Del Norte.....	.....	.....	.....	.....	.....	.....
El Dorado.....	.....	.....	.....	.....	.....	.....
Fresno.....	.....	.....	.....	.....	.....	.....
Humboldt.....	.....	.....	.....	.....	.....	.....
Klamath.....	700	1,400	300	1,800	356	1,068
Lake.....	.....	.....	.....	.....	.....	.....
Los Angeles.....	4,100	.....	1,000	.....	5,000	.....
Marin.....	1,200	.....	500	.....	700	.....
Mariposa.....	8,000	48,000	5,500	11,000	5,000	10,000
Mendocino.....	.....	.....	.....	.....	.....	.....
Merced.....	.....	.....	.....	.....	.....	.....

Monterey.....	1,085	8,680	205	820	470	940
Mono.....	.....	.....	.....	.....	.....	.....
Napa.....	.....	.....	.....	.....	.....	.....
Nevada.....	.....	.....	.....	.....	.....	.....
Placer.....	.....	.....	.....	.....	.....	.....
Plumas.....	.....	.....	.....	.....	.....	.....
Sacramento.....	400	4,000	300	600	500	1,000
San Bernardino.....	.....	.....	.....	.....	.....	.....
San Diego.....	36,500	.....	25,550	.....	54,750	.....
San Francisco.....	4,890	51,180	2,720	19,540	4,400	7,800
San Joaquin.....	2,000	.....	100	.....	500	.....
San Luis Obispo.....	1,800	18,000	400	2,000	1,400	2,000
San Mateo.....	4,000	24,000	100	100	7,200	7,200
Santa Barbara.....	.....	.....	.....	.....	.....	.....
Santa Clara.....	.....	.....	.....	.....	.....	.....
Santa Cruz.....	.....	.....	.....	.....	.....	.....
Shasta.....	.....	.....	.....	.....	.....	.....
Sierra.....	3,000	45,000	2,500	20,000	1,000	2,400
Siskiyou.....	2,450	.....	1,200	.....	3,100	.....
Solano.....	.....	.....	.....	.....	.....	.....
Sonoma.....	1,200	14,400	1,000	7,000	2,000	1,500
Stanislaus.....	.....	.....	.....	.....	.....	.....
Sutter.....	2,820	.....	3,813	.....	6,000	.....
Tehama.....	1,624	32,480	932	5,592	500	1,500
Trinity.....	1,095	8,760	800	4,800	700	1,400
Tulare.....	8,785	141,750	7,870	75,000	9,700	19,400
Tuolumne.....	.....	.....	.....	.....	.....	.....
Yolo.....	8,240	114,750	6,480	40,000	10,640	21,280
Yuba.....	.....	.....	.....	.....	.....	.....
Totals.....	104,767	\$618,305	68,015	\$231,212	123,410	\$86,476

IMPROVEMENTS.								
COUNTIES.	GRIST MILLS.							
	Number.....	Steam Power	Run of Stone.....	Value of Steam Grist Mills.....	Water Power	Run of Stone.....	Value of Water Power Mills.....	Bushels of Grain Ground
Alameda	4	3	14	\$40,000	1	4	\$8,000	81,000
Amador.....	3	1	3	5,000	2	4	5,000	68,000
Butte	4	1	2	2,500	3	6	29,200	.....
Calaveras .....	.....	.....	.....	.....	.....	.....	.....	.....
Colusa	2	2	2	.....	.....	.....	.....	.....
Contra Costa.....	2	2	4	10,000	.....	.....	.....	50,000
Del Norte.....	2	1	3	4,000	1	2	2,000	7,400
El Dorado.....	2	.....	.....	.....	2	4	3,500	20,300
Fresno.....	.....	.....	.....	.....	.....	.....	.....	.....
Humboldt	4	2	.....	.....	2	.....	.....	.....
Klamath	1	.....	.....	.....	1	2	10,000	10,000
Lake	3	.....	.....	.....	3	3	3,000	4,000
Los Angeles.....	8	.....	.....	.....	8	11	.....	53,000
Marin .....	.....	.....	.....	.....	.....	.....	.....	.....
Mariposa.....	.....	.....	.....	.....	.....	.....	.....	.....
Mendocino.....	2	.....	.....	.....	2	2	4,500	.....
Merced	4	.....	.....	.....	4	8	9,600	29,000

COUNTIES.	IMPROVEMENTS—Continued.					
	SAW MILLS.					
	Number.....	Value	Steam Power.....	Water Power.....	Number of feet of Lumber sawed...	Shingles.....
Alameda	11	\$17,000	10	1	9,000,000	1,000,000
Amador	19	84,700	12	7	7,040,000	1,212,000
Butte.....	15	27,500	8	7	.....	.....
Calaveras.....	2	.....	1	1	.....	.....
Colusa .....	.....	.....	.....	.....	.....	.....
Contra Costa.....	2	.....	1	1	75,000	.....
Del Norte	36	.....	23	13	19,000,000	.....
El Dorado	4	10,800	1	3	50,000	.....
Fresno	7	.....	.....	.....	14,968,955	5,000,000
Humboldt	21	50,000	.....	2	.....	.....
Klamath	3	.....	1	2	600,000	200,000
Lake.....	.....	.....	.....	.....	.....	.....
Los Angeles	1	.....	1	.....	.....	.....
Marin	10	40,000	10	.....	15,000,000	250,000
Mariposa	9	199,000	6	3	30,000,000	.....
Mendocino .....	.....	.....	.....	.....	.....	.....
Merced .....	.....	.....	.....	.....	.....	.....

Monterey .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mono .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Napa	4	.....	.....	.....	.....	.....	.....	.....	.....
Nevada	32	116,000	.....	.....	.....	.....	.....	.....	.....
Placer	22	44,200	.....	.....	.....	.....	.....	.....	.....
Plumas	23	.....	.....	.....	.....	.....	.....	.....	.....
10 Sacramento	1	4,000	.....	.....	.....	.....	.....	.....	.....
San Bernardino	5	.....	.....	.....	.....	.....	.....	.....	.....
San Diego .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
San Francisco	5	.....	.....	.....	.....	.....	.....	.....	.....
San Joaquin	1	.....	.....	.....	.....	.....	.....	.....	.....
San Luis Obispo .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
San Mateo	6	.....	.....	.....	.....	.....	.....	.....	.....
Santa Barbara .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Santa Clara	10	.....	.....	.....	.....	.....	.....	.....	.....
Santa Cruz	9	.....	.....	.....	.....	.....	.....	.....	.....
Shasta	14	56,000	.....	.....	.....	.....	.....	.....	.....
Sierra	16	32,200	.....	.....	.....	.....	.....	.....	.....
Siskiyou	15	25,500	.....	.....	.....	.....	.....	.....	.....
Solano .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sonoma	3	.....	.....	.....	.....	.....	.....	.....	.....
Stanislaus .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sutter .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tehama	1	2,500	.....	.....	.....	.....	.....	.....	.....
Trinity	6	.....	.....	.....	.....	.....	.....	.....	.....
Tulare	1	2,000	.....	.....	.....	.....	.....	.....	.....
Tuolumne	22	33,000	.....	.....	.....	.....	.....	.....	.....
Yolo	2	.....	.....	.....	.....	.....	.....	.....	.....
Yuba	23	60,400	.....	.....	.....	.....	.....	.....	.....
Totals	342	\$754,900	.....	.....	.....	.....	.....	.....	.....
			167	162	166,385,955	28,107,000			

IMPROVEMENTS—Continued.

COUNTIES.	QUARTZ MILLS.			MINING DITCHES.			FERRIES.		TOLL BRIDGES.	
	Number	Value	Number of tons of Quartz crushed..	Number	Value..	Miles in Length...	Number	Value	Number..	Value..
Alameda.....	32	.....	56,100	13	\$144,000	592	4	\$3,000	1	\$2,000
Amador .....	.....	.....	.....	.....	.....	.....	7	5,300	2	20,800
Butte	40	\$47,805	.....	58	196,728	514	5	4,050	3	7,500
Calaveras .....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....
Colusa .....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....
Contra Costa.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Del Norte.....	.....	.....	.....	2	700	11	.....	.....	1	200
El Dorado.....	5	.....	.....	60	.....	662	.....	.....	9	.....
Fresno .....	.....	.....	.....	.....	400	3	6	5,000	.....	.....
Humboldt.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Klamath.....	1	.....	20,000	31	.....	34	2	1,500	2	2,500
Lake .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Los Angeles.....	.....	.....	.....	1	.....	4	.....	.....	.....	.....
Marin .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mariposa	20	2,000,000	100,000	10	4,500	50	3	1,500	.....	.....
Mendocino .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Merced .....	.....	.....	.....	.....	.....	.....	3	1,500	.....	.....

Monterey									5	4,000	1	2,500
Mono.....									1			
Napa.....			63,000									
Nevada.....	21			47							9	
Placer.....	5	7,800		28			217,600				3	5,000
Plumas.....	28			65					4		2	
Sacramento.....				8					5		7	
San Bernardino.....	2			1								
San Diego.....	1	30,000				1,200			2			
San Francisco.....	1					100			1			
San Joaquin.....												
San Luis Obispo.....												
San Mateo.....												
Santa Barbara.....												
Santa Clara.....												
Santa Cruz.....												
Shasta	2	4,000		30		600	100,000		11	8,000	10	11,000
Sierra	8	110,000		45		27,000	273,900		2	800	1	3,000
Siskiyou	6			14		385	30,600		4	12,000	1	1,500
Solano									1			
Sonoma.....												
Stanislaus.....				5			20,000			150,000	1	500
Sutter.....									8		2	
Tehama.....									5	10,000	2	3,000
Trinity.....				45					1		3	
Tulare.....	7			3					2			
Tuolumne.....	30	65,000					265,000		5	2,500	4	16,300
Yolo.....												
Yuba.....	3	16,000		14			86,000				12	80,400
Totals	192	\$2,279,605	286,385	481			\$1,339,428	4,300	111	\$214,150	80	\$166,200

TABLE OF STATISTICS—Compiled from the *Official Reports of County Assessors*—Continued.

COUNTIES.	IMPROVEMENTS—Continued.							
	TURNPIKE ROADS.				RAILROADS.			
	Number.....	Miles in Length...	Cost	Income	Cost of Repairs...	Number.....	Miles in Length...	Cost
Alameda.....	21	53		\$800				
Amador.....								
Butte								
Calaveras.....								
Colusa								
Contra Costa.....								
Del Norte.....	1	58						
El Dorado.....	17	126						
Fresno.....								
Humboldt.....								
Klamath.....								
Lake								
Los Angeles.....								
Marin.....								
Mariposa.....	4	15	\$30,000	7,200	\$1,800	1	3	\$15,000
Medocino								
Merced	1	6	4,000					

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	HORTICULTURAL PRODUCTS.—NUMBER OF TREES AND VINES.							
	Apple	Peach	Pear	Plum.	Cherry	Nectarine.....	Quince.....	Aprieot.....
Alameda	150,000	3,000	10,500	.....	2,053	.....	.....	.....
Amador.....	32,000	36,300	5,319	3,144	1,758	1,378	840	1,410
Butte.....	17,270	112,500	7,175	1,934	1,130	5,700	380	3,760
Calaveras	29,610	26,252	5,110	2,519	1,051	1,011	746	1,131
Colusa	11,727	29,385	2,371	2,271	2,360	1,122	76	721
Contra Costa.....	33,720	30,885	8,536	2,751	1,770	.....	1,000	1,000
Del Norte.....	1,732	.....	720	100	264	.....	.....	.....
El Dorado.....	80,427	44,289	8,741	5,908	1,474	875	1,110	1,200
Fresno	1,150	2,575	160	85	96	.....	.....	22
Humboldt.....	17,600	9,968	630	975	417	.....	147	245
Klamath.....	1,443	740	75	200	129	17	15	25
Lake.....	7,673	5,186	969	678	157	107	39	203
Los Angeles.....	2,500	14,000	715	400	370	281	708	1,500
Marin.....	25,926	812	355	159	105	.....	126	304
Mariposa.....	4,000	7,000	500	1,600	201	378	106	260
Mendocino	13,000	9,000	3,000	1,600	700	200	200	300
Merced	4,009	4,375	1,176	281	81	134	52	185

	1,780	850	480	350	120	60	80	75
Monterey	1,780							
Mono	99,282	90,000	14,152	3,975	4,228	1,535	1,065	2,542
Napa	14,350	38,430	4,358	1,350	1,440	399	748	488
Nevada	23,360	40,740	7,521	6,436	6,036	1,400	1,000	1,836
Placer								
Plumas	65,325	56,547	16,920	5,820	2,944	1,683	3,064	3,314
Sacramento	3,000	5,000	500	500	100	100	150	500
San Bernardino	300	4,000	2,000	200		60	110	120
San Diego	4,679	428	2,771	196	401	32	71	50
San Francisco	22,300	19,000	16,000	12,000	1,000	750	300	800
San Joaquin	450	1,200	600	75	150		50	25
San Luis Obispo	10,000	3,200	2,500	1,000	900		300	200
San Mateo	750	1,600	625	350	220	800	225	650
Santa Barbara	150,000	44,481	41,500	9,800	5,400	750	3,500	3,000
Santa Clara	33,765	3,090	2,159	1,829	1,135	80	188	462
Santa Cruz	15,000	30,000	3,000	1,000	1,000	1,000	200	1,000
Shasta	1,625	2,400	406	40	77	28	25	12
Sierra	3,710	1,865	110	884	450	83	15	42
Siskiyou	5,384	26,920	4,080	3,160	3,050	3,000	2,100	4,400
Solano	140,478	71,910	12,913	10,102	4,149	841	1,249	2,683
Sonoma	2,556	3,975	642	269	321	400		440
Stanislaus	9,980	12,500	2,000	10,000	400	460	100	1,010
Sutter	5,761	15,650	490	1,100	360	185	130	515
Tehama	4,993	3,471	1,366	236	86	20	44	26
Trinity	25,000	37,000	4,000	3,500	3,000	250	250	2,200
Tulare	23,750	41,111	4,967	1,871	243	167	294	315
Tuolumne	31,400	88,500	13,300	9,500	2,264	20,000	1,810	4,808
Yolo	38,540	84,630	6,800	4,800	4,500	8,220	1,400	6,600
Yuba								
Totals	1,171,305	964,705	212,212	115,030	58,090	53,506	24,013	50,379

Monterey.....	20				30												15	60
Mono.....																	920	910
Napa.....	762		25		5					3	61						145	
Nevada.....	350				50												700	80
Placer.....	400				16						60							
Plumas.....																		
—Sacramento.....	2,587	500	465	356	567	385	284						110				795	967
San Bernardino.....	150				50	50	60										150	50
San Diego.....	180		45	35	75	1,200	160					15					75	120
San Francisco.....	6																5	
San Joaquin.....	725				4	6	10										40	300
San Luis Obispo.....	25	20				80												
San Mateo.....	50																	200
Santa Barbara.....	550			40	80	700	300										225	150
Santa Clara.....	475			7	415	56	114										660	900
Santa Cruz.....	91																	
Shasta.....	300																	
Sierra.....																	12	
Siskiyou.....																		
Solano.....	3,749		5			20							10				890	
Sonoma.....	1,162			30	353	41	41							9			9,212	2,157
Stanislaus.....	165																	
Sutter.....	400																460	200
Tehama.....	300																1,050	216
Trinity.....	2																2	
Tulare.....	125			6	10	100	100										75	100
Tuolumne.....	319				70		27										7	
Yolo.....	500																	
Yuba.....	840			20	45	10	48										300	250
Totals	19,056	520	624	1,055	5,794	3,777	2,286					81	10	133	5		18,335	7,809

TABLE OF STATISTICS—Compiled from the Official Reports of County Assessors—Continued.

COUNTIES.	HORTICULTURAL PRODUCTS.—NUMBER OF TREES AND VINES—Continued.								
	Filbert.....	Gooseberry.....	Raspberry	Strawberry.....	Grape.....	Tons of Grapes.....	Gallons of Wine.....	Gallons of Brandy.....	Value of Fruit.....
Alameda.....	121,670	311,140	.....	.....	.....	\$15,080
Amador.....	2,256	3,170	400,000	.....	310,000	2,740	.....	.....
Butte.....	1,450	1,960	.....	.....	.....	.....	.....	.....
Calaveras.....	1,697	6,105	54,058	300,049	.....	2,367	40	.....
Colusa.....	79	.....	.....	39,284	.....	.....	.....	.....
Contra Costa.....	184,200	.....	.....	.....	.....
Del Norte.....	100	100	100	1,000	.....	.....	.....	.....	.....
El Dorado.....	772,547	.....	.....	.....	.....
Fresno.....	6	250	8,000	.....	.....	.....	.....
Humboldt.....	8,630	6,300	11,800	.....	.....	.....	.....	.....
Klamath.....	1,000	180	3,700	1,625	.....	.....	.....	2,000
Lake.....	100	65	.....	5,595	.....	.....	.....	.....
Los Angeles.....	50	400	200	4,000	2,570,000	3,100	280,000	.....	150,000
Marin.....	4,900	20,000	.....	.....	.....	.....
Mariposa.....	50	3,000	60,500	50,000	125	10,000	1,000	15,000
Mendocino.....	25,000	.....	.....	.....	.....
Merced.....	102	102	620	308	45,630	.....	300	.....	8,050

Monterey.....	750	460	4,500	3,480	.....	.....	.....	.....	.....
Mono.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Napa.....	6,175	10,323	9,528	540,828	.....	.....	2,891	300	.....
Nevada.....	1,500	500	20,000	21,336	.....	.....	.....	.....	.....
Placer.....	400	7,000	200,000	135,532	.....	.....	.....	.....	.....
Plumas.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sacramento.....	8,586	12,878	18,126	412,092	.....	.....	5,568	.....	38,000
San Bernardino.....	150	50	500	500,000	.....	250	2,000	1,000	20,000
San Diego.....	40	200	1,500	70,000	.....	.....	.....	.....	.....
San Francisco.....	1,707	2,089	3,390	107	.....	.....	.....	.....	.....
San Joaquin.....	2,100	16,000	87,500	300,000	.....	.....	.....	.....	.....
San Luis Obispo.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
San Mateo.....	.....	.....	.....	4,500	.....	.....	.....	.....	.....
Santa Barbara.....	100	150	400	115,000	.....	.....	3,300	650	.....
Santa Clara.....	4,900	500	100,000	600,000	.....	.....	7,000	500	25,000
Santa Cruz.....	2,268	2,183	34,250	32,675	.....	.....	.....	.....	6,663
Shasta.....	1,000	1,800	40,000	45,400	.....	.....	.....	.....	10,000
Sierra.....	48	205	.....	5,374	.....	.....	.....	.....	.....
Siskiyou.....	450	915	5,210	4,100	.....	.....	.....	.....	.....
Solano.....	1,000	.....	10,000	400,000	.....	.....	.....	.....	.....
Sonoma.....	14,151	14,972	65,653	1,701,661	.....	.....	15,041	650	23,635
Stanislaus.....	.....	.....	.....	9,983	.....	.....	.....	.....	.....
Sutter.....	.....	.....	.....	19,850	.....	.....	2,600	180	.....
Tehama.....	630	870	35,000	30,000	.....	150	1,500	.....	13,605
Trinity.....	300	134	22,000	520	.....	.....	.....	.....	2,000
Tulare.....	3,000	6,000	100,000	225,000	.....	24,000	1,000	200	.....
Tuolumne.....	1,079	713	.....	197,300	.....	137	6,570	2,057	.....
Yolo.....	.....	.....	.....	234,430	.....	.....	600	700	.....
Yuba.....	2,650	3,850	155,600	650,450	.....	.....	.....	.....	.....
Totals.....	50	103,498	1,588,643	10,592,688	337,762	843,477	7,277	.....	\$329,033

TABLE OF STATISTICS—Compiled from the *Official Reports of County Assessors*—Continued.

COUNTIES.	ASSESSED VALUE OF PROPERTY.				INCREASE OR DECREASE IN VALUE OF PROPERTY.		
	Real Estate.....	Improvements.....	Personal Property	Total Valuation of Property.....	Assessed Value of Property for 1861.....	Increase	Decrease.....
Alameda.....	\$3,000,000	.....	\$1,100,000	\$4,100,000	\$4,169,834	.....	\$69,834
Amador	1,155,040	.....	1,032,668	2,187,708	2,616,872	.....	429,164
Butte	1,604,357	.....	1,346,194	2,950,551	3,811,119	.....	860,568
Calaveras.....	2,624,312	\$1,191,044	1,433,268	5,248,624	2,737,708	\$2,510,916	.....
Colusa.....	.....	.....	.....	2,643,809	2,643,809	.....	.....
Contra Costa.....	920,000	.....	920,000	1,840,000	1,952,395	.....	112,395
Del Norte.....	58,235	87,595	154,605	300,435	483,707	.....	183,272
El Dorado.....	463,260	1,341,049	2,058,340	3,862,649	3,794,120	68,529	.....
Fresno	197,454	.....	708,958	962,985	1,045,895	.....	82,910
Humboldt	320,725	291,705	740,360	1,352,790	1,308,801	43,987	.....
Klamath	1,072	1,200	289,372	291,645	365,487	.....	73,842
Lake.....	72,356	41,180	199,710	313,246	373,401	.....	60,155
Los Angeles	1,160,190	.....	1,048,505	3,065,330	3,065,330	.....	.....
Marin.....	1,089,033	75,523	652,997	1,817,553	1,755,893	61,660	.....
Mariposa.....	671,064	.....	865,266	1,536,330	1,367,823	168,507	.....
Mendocino.....	273,870	341,294	550,338	1,165,502	646,469	519,043	.....
Merced.....	313,287	.....	652,934	966,221	1,092,803	.....	126,582
Monterey.....	406,802	146,046	744,567	1,297,422	1,475,094	.....	177,672
Mono.....	.....	.....	.....	310,896	310,896	.....	.....
Napa.....	.....	.....	.....	2,937,760	3,179,752	.....	241,992

Nevada.....	989,963	2,273,397	2,781,973	5,055,370	4,225,085	830,285
Placer.....			2,088,878	3,225,248	3,225,248	
Plumas.....				1,070,000	904,418	165,582
Sacramento.....	5,471,225		3,348,793	8,821,018	12,076,003	3,255,983
San Bernardino.....				417,238	417,238	
San Diego.....	118,020	71,675	282,111	471,806	471,806	
San Francisco.....	36,990,654		29,540,553	66,531,207	42,362,242	24,168,965
San Joaquin.....	1,379,043	1,165,832	2,125,319	4,670,194	4,598,375	71,819
San Luis Obispo.....	234,721		278,021	512,742	805,005	292,263
San Mateo.....	1,507,359		658,207	2,165,366	1,401,711	763,655
Santa Barbara.....	426,730		392,675	819,405	1,038,645	219,240
Santa Clara.....	2,671,825	1,476,325	1,890,227	6,638,375	5,012,670	1,025,705
Santa Cruz.....	647,018		439,900	1,086,918	713,895	373,023
Shasta.....	125,000	73,080	1,167,948	1,364,998	1,564,998	200,000
Sierra.....				1,159,205	1,159,205	
Siskiyou.....	533,000		1,100,000	1,653,000	2,404,199	751,199
Solano.....	1,963,784		1,637,387	3,601,171	3,882,700	281,529
Sonoma.....	1,665,733	841,894	1,483,050	3,990,677	4,697,063	706,386
Stanislaus.....	265,278		502,780	768,058	846,298	78,240
Sutter.....	658,312	293,368	994,396	1,946,076	2,532,324	586,248
Tehama.....	789,731		1,124,018	2,013,749	2,086,213	72,464
Trinity.....		314,620	851,794	1,166,414	1,325,917	159,503
Tulare.....	372,667		893,821	1,266,488	1,034,341	232,147
Tuolumne.....	151,425	1,365,925	1,225,100	2,742,450	2,742,450	
Yolo.....				2,322,975	2,156,482	166,493
Yuba.....	1,221,272	1,512,091	2,289,061	5,022,424	6,187,773	1,165,349
Totals.....	\$72,523,807	\$12,904,843	\$71,331,494	\$169,053,028	\$31,170,319	\$10,186,790
Total Increase.....					10,186,790	\$20,983,529



APPENDIX.

REPORTS OF COUNTY SURVEYORS.

FRESNO COUNTY.

J. C. WALKER.....County Surveyor.

OFFICE COUNTY SURVEYOR,
Millerton, July 1st, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In compliance with instructions contained in your circular, I have the honor to submit the following report of the effects of the recent floods in this county.

The extreme height of the San Joaquin above low water at Millerton, was about twenty-six feet, which was on January eleventh.

The greatest height at Fresno City, which is at the head of navigation on the San Joaquin, was about sixteen feet above low water, and the general depth over the adjacent lands at that place was four feet.

The land which was overflowed in this county is so extensive that it would be very difficult for me to ascertain the approximate quantity of it.

Some bars were formed, and a change of channel occasioned for a short distance, at different places in the San Joaquin.

There is considerable deposit upon the submerged lands in this county, and varies from half an inch to one foot in depth. It was washed from the rich soil in the low hills, and it has improved the quality of the land.

The San Joaquin and King's rivers have been very high the present season, from the thawing of snow in the mountains. I have made inquiries of men living in various parts of the county, and have learned from them that many crops have been destroyed the present summer by being overflowed on land which was reported as high.

My business has not called me away from home sufficiently to gain a

very extensive information concerning the effects of the recent floods. I trust you will therefore excuse me for my meagre report.

Very respectfully, your obedient servant,

J. C. WALKER,
County Surveyor.

HUMBOLDT COUNTY.

J. B. KNISELYCounty Surveyor.

OFFICE COUNTY SURVEYOR, }
Eureka, Nov. 27th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In accordance with the law defining the duties of County Surveyors, I respectfully submit the following:

Since my term of office my business has been so limited that I have no regular report to make as I would wish. Owing to the great Indian difficulties, property is depreciating in value, and many of our citizens are leaving in consequence of Indian troubles, which does not seem likely to subside soon. Whatever work I may have I will prepare for my next report.

As to the table of statistics required by your instructions, I shall have to refer you to the report of the Assessor of this county, as my business has not called me from home enough to collect material for a report of my own.

Respectfully submitted.

J. B. KNISELY,
County Surveyor.

LAKE COUNTY.

JOEL WILLARDCounty Surveyor.

OFFICE COUNTY SURVEYOR, }
Lake County, July 3d, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In accordance with law and instructions, I herewith submit the following:

Not having made any surveys for individuals, I have nothing in that line to report upon.

I have received one application for Swamp Land, dated April seventeenth, eighteen hundred and sixty-two, a plat and field notes of which I transmitted to your office, since when I have heard nothing of it. You will oblige me, as well as the applicant, by stating whether it has been

received, and if so, whether it has been approved, and why not sent back to me.

In regard to the information required of County Surveyors in your circular of February thirteenth, eighteen hundred and sixty-two, I have collected the following information:

First—The extreme height of water at the head of Clear Lake was, as near as I can determine, about eleven feet.

Second—Date of highest water, January twenty-second, eighteen hundred and sixty-two.

Third—From one inch to five feet, the farms in the valleys around the lake being all more or less submerged.

Fourth—Outside of the line of segregation of Swamp and Overflowed Lands, probably between ten and fifteen thousand acres.

Fifth—The banks of streams have not been seriously affected.

Sixth—No bars have been formed or channels changed at the head of the lake, where the principal streams that feed the lake put into it.

Seventh—The deposit varies according to the current, in many places it is washed, and left in eddies from one to four feet deep; as a general thing the lands will be benefited, the deposit being a fine sand, the finer and clayey parts being carried into the lake.

Eighth—I can answer this question better next October, the water now being only about six inches lower than high water mark of previous winters, made since the settlement of the valley by Americans.

Very respectfully, your obedient servant,

JOEL WILLARD,
County Surveyor.

MARIN COUNTY.

A. D. EASKOOT.....County Surveyor.

OFFICE COUNTY SURVEYOR,
San Rafael, Nov. 15th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In reply to your circular under date of February thirteenth, eighteen hundred and sixty-two, in regard to the flood in this county, I beg leave to report:

The highest tide in this county was in the month of January, eighteen hundred and sixty-two. The extreme highest above low water mark was about eight feet. The depth of water on the marshes was about three and a half feet. The deposit on the submerged land was a light soil, to the depth of about one inch, except at the mouths of the mountain streams, where they intersect the marshes; there the deposits were stone, gravel, and sand, to the depth of about two feet. The navigable streams that run through these marshes were partly obstructed by the deposits, and some small bars were formed, but not so large as to stop navigation.

I subjoin a list of School Land warrants surveyed in accordance with

the provisions of an Act approved April twenty-second, eighteen hundred and sixty-one, entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-eight. I have surveyed as a portion of the grant of the sixteenth and thirty-sixth sections, for school purposes, the following tracts of land :

Survey No. 1.—Surveyed March twenty-seventh, eighteen hundred and sixty-two, for Joseph Irwin, being for the northwest quarter of the west half of the northeast quarter of Section 30, Township No. 5, North, Range 9, West, containing two hundred and forty acres.

Survey No. 2.—Surveyed April fourth, eighteen hundred and sixty-two, for George W. Burbank, being for the east half of the southeast quarter, and southeast quarter of the northeast quarter, Section 19, and the southwest quarter of the northwest quarter and southwest quarter, Section 20, Township No. 5, North, Range 9, West, containing three hundred and twenty acres.

Survey No. 3.—Surveyed April eighth, eighteen hundred and sixty-two, for William Burkland, being for the southwest quarter and west half of southeast quarter and southwest quarter of northeast quarter, Section 19, Township No. 5, North, Range 9, West, containing two hundred and eighty acres.

Survey No. 4.—Surveyed April first, eighteen hundred and sixty-two, for Andrew Manning, being for the northeast quarter, Section 26, and the west half of northwest quarter, Section 25, Township 5, North, Range 10, West, containing two hundred and forty acres.

Survey No. 5.—Surveyed March twenty-ninth, eighteen hundred and sixty-two, for William Vanderbilt, being for the fractional south half of the northeast quarter, and fractional southeast quarter, Section 36, Township No. 5, North, Range 10, West, containing two hundred and six and ninety-nine one-hundredths acres.

Survey No. 6.—Surveyed March twenty-ninth, eighteen hundred and sixty-two, for William Vanderbilt, being for the fractional northeast quarter, Section 1, Township No. 4, North, Range 10, West, containing seventy-six and sixty-one one-hundredths acres.

Survey No. 7.—Surveyed March twenty-eighth, eighteen hundred and sixty-two, for Alexander S. Marshall, being for the southwest quarter, Section 29, Mount Diablo meridian, containing one hundred and sixty acres.

All the above described land is claimed under a Spanish grant, and has been confirmed by the United States District Court, but it has been appealed to the Supreme Court of the United States, and the settlers think it will be decided in their favor.

COUNTY ROADS.

This county has done a great deal towards improving our county roads. Within the last year bridges have been built and roads made; and if the roads should remain where they are at present located for two or three years, I have no doubt but we shall have roads that can be travelled in the rainy season without endangering our lives.

My confidence in my proposed road law, which will be found in my

report of last year, is undiminished, and I commend it to your careful consideration, being well assured that until it shall have been adopted, we will not have any roads; for I think when a county road is viewed and surveyed, it should be made a permanent location, and not be changed except it be found absolutely necessary. Many times, changes have been made in our county roads for no other purpose than to benefit some private individual, to the inconvenience of the public.

No Swamp and Overflowed Land surveyed since my last report.
All of which is respectfully submitted.

Very respectfully, your obedient servant,

A. D. EASKOOT,
County Surveyor.

SAN JOAQUIN COUNTY.

GEORGE E. DREW.....County Surveyor.

OFFICE COUNTY SURVEYOR, }
Stockton, Dec. 3d, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General :

DEAR SIR:—In compliance with my duties and instructions from your office, I herewith transmit my report of work done by this office for the year ending December first, eighteen hundred and sixty-two.

SWAMP AND OVERFLOWED LANDS.

During the year, I have made thirty-five surveys, numbering eight hundred and fifteen to eight hundred and forty-eight, inclusive, covering an area of seven thousand seven hundred and fifty-eight and thirty-nine one-hundredths acres; of this amount, seventeen surveys, including an area of three thousand two hundred and fifty-one and sixty-four one-hundredths acres, were re-surveys of old locations, which have been forfeited and relinquished. In consequence of the great flood of last winter, it will be observed that a very limited number of surveys have been made, as our citizens are now very timid about investing in the tule lands.

SCHOOL LAND UNDER OLD WARRANTS.

Of these, I have made nine locations, numbering four to twelve inclusive, under warrants numbers six hundred and fifty-one, six hundred and fifty-seven, seven hundred and ninety-nine, eight hundred, eight hundred and one, eight hundred and two, two hundred and fifty-three, one hundred and eighty-one, five hundred and eighty-five, two hundred and seventy-seven, five hundred and fifty-one, six hundred and forty-seven, eight, sixty-six, and seventy-three, including an area of three thousand two hundred acres, the warrants having all been surrendered.

SCHOOL LAND LOCATIONS IN LIEU OF SIXTEENTH AND THIRTY-SIXTH SECTIONS ON UNSURVEYED LANDS.

Of this class I have made thirty-six surveys, numbering one to thirty-six, inclusive, including an area of ten thousand one hundred and five and forty-nine one-hundredths acres.

The above is the total amount of work done and necessary to be returned to your office. .

I have received a circular from your office, propounding eight questions, having reference to the floods of last winter. By personal examinations and inquiry I have endeavored to collect such information as was possible, and will give you only such as may be reliable, as in many cases it is so conflicting as to be unavailable.

First—The highest water in Stockton was on the twenty-fourth day of January, eighteen hundred and sixty-two, being twelve feet one inch above the low tide of this date; December third, ten feet six inches above the high tide of this date, and three feet six inches above the highest water in the flood of eighteen hundred and fifty-two. About fifteen miles northwest from this city, in Township 3, North, Range 5, East; the highest water was on the twenty-fourth day of January, being fourteen feet higher than the summer low tides.

In Township 1, South, Range 5, East, twelve miles from this city, in a southwesterly direction, and near the forks of the San Joaquin river, the highest water was, on the twenty-fourth day of January, twelve feet above the summer low tides, and five feet above the highest water of eighteen hundred and fifty-two.

Second—The first heavy flow of water, from the east or mountain streams, occurred on the twenty-sixth day of December, on which day the city was slightly submerged. On the twenty-eighth day of December, the water in the city was a few inches higher than on the twenty-sixth.

On the eleventh day of January occurred the greatest overflow of the country to the northeast, east, and southeast, caused by the water from the mountain streams. The highest water in this city and on the land to the west, was on the twenty-fourth day of January, being twenty-four inches higher than on the eleventh of January. This was back water, and came from the north, or Sacramento river; no current near the city. A short distance to the west of the city, on this and several subsequent days, there was a strong current running past the city from the north, and running nearly due south, to a point six miles south from this city, there meeting the waters of the San Joaquin, and changing the direction of the current to a northwest course.

Third—It is difficult to answer this question satisfactorily. I believe about two-thirds of our entire county was inundated. Of the agricultural and grazing portion, about one half. Over this portion the water would average one and a half to two feet in depth.

Fifth—The banks of the streams have not been seriously affected.

Sixth—No considerable bars or changes of channel have been occasioned by the flood.

Seventh and Eighth—There was no large amount of deposit left on the agricultural portion—perhaps an average of two inches—except at a few points on the river bottoms. This deposit was a very fine sand or *slum*, and to the most of our land was an advantage. It is impossible to tell the amount of deposit there may be on the tule lands, as they are still submerged.

The greatest danger we have of a recurrence of the events of last winter is from the waters of the Sacramento and American rivers breaking over the plains to the north, as it was the waters from those rivers which caused the greatest amount of damage in this vicinity. Aside from the Sacramento water, the damage in this vicinity would not have exceeded ten thousand dollars.

Several propositions have been made to protect the city from another inundation. I have made one survey and estimate for a canal and levee around the city on three sides, about three and a half miles in length, estimated cost, one hundred and ten thousand dollars, which plan was objected to on account of its cost. I have also made an examination of an entire new channel for the Calaveras, the earth taken from the channel to be placed in embankment for a turnpike road. This would protect the middle and southwesterly portion of the county, then by raising the grades in the lower portion of the city two feet, and we are safe. This plan would also involve the expenditure of a larger amount of money than our county and city authorities feel justified in expending. In fact, no protective plan can be adopted that will not cost a large amount of money, as it would be useless to do the work in a cheap manner.

I would be happy to inform you that we are making rapid progress in road making, but such is not the fact. Some improvements have, however, been made, and I am in hopes it is but the beginning of a good work..

Of railroads, we have several in embryo, but none in course of construction, so far as I am informed. A thorough survey and estimate has, however, been made from this city to Copperopolis.

By the present law relative to county officers, the County Surveyors retire from office on the first Monday in October next following the election, while all other officers hold over until the next April. There is no good reason for this, and I would respectfully suggest to you to propose an amendment to the revenue law including County Surveyors.

There are many other things of which I would like to speak or write, but have already occupied too much paper, and will therefore forego them.

All of which is respectfully submitted,

GEORGE E. DREW.
County Surveyor of San Joaquin County.

SOLANO COUNTY.

JOHN PEABODYCounty Surveyor.

OFFICE COUNTY SURVEYOR, }
Fairfield, Dec. 10th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—The undersigned, County Surveyor of Solano County, reports according to law, to-wit:

SWAMP AND OVERFLOWED LANDS.

Surveyed and Returned Land.	Acres.
Up to December, eighteen hundred and sixty-one, at which time I transmitted to your office a map of all the Swamp and Overflowed Lands, there had been surveyed and returned to your office about.....	69,210
Surveyed and returned since.....	6,162
Total surveyed and returned.....	75,372

I have now finished the survey of the Swamp and Overflowed Land in Townships 3 and 4, North, Range 2, West, lying between Suisun bay and Suisun slough and the high land of the Suscol Ranch, and shall transmit the papers as soon as the calculations are made. That piece will contain about thirteen thousand five hundred acres. After this, there will only remain unsurveyed of the Swamp and Overflowed Lands about seven thousand two hundred acres, lying for the most part in Township 5, North, Range 3, East. I have affidavits for a portion of this land, and will survey it as soon as the high tule can be burnt, thereby finishing the survey of all the Swamp and Overflowed Lands in this county, except a small portion on Pablo Bay and Napa river.

LOCATION OF SCHOOL WARRANTS, (FIVE HUNDRED THOUSAND ACRE ACT.)

Up to this date I have located only seven thousand eight hundred and forty acres. There have been a large quantity of locations made anteriorly, but of which I have no data.

SIXTEENTH AND THIRTY-SIXTH SECTIONS.

The number of acres taken as the sixteenth and thirty-sixth sections, or in lieu thereof, and which have been returned to the different Locating Agents, is about eighty-one thousand acres, the almost totality being on unsurveyed land. This large sale of land has been occasioned by the rejection, this spring, of the Suscol grant, in which alone about forty-five thousand acres have been taken.

About a mode of reclaiming the Swamp and Overflowed Lands above Cache slough I can at present give you no information, but will do so as soon as I will be able to survey in Township 5, North, Range 3, East, which will be in a month from now. In the meantime I may say, that from former information, a canal will be necessary to drain the waters of Cache creek and Putah river, but where to locate it I cannot now say.

As to the height of the waters above low water mark in the last flood, it was impossible for me to keep any memorandum of it; but I have been told that at the head of Cache slough, at a place called Main Landing, the water was ten feet above the ground, which would make it about eighteen feet above low water mark. In the marshes around Suisun City, the greatest height attained was only about two feet six inches, which would give about nine or ten feet above low water mark. In the islands in Suisun Bay the water did not rise more than six inches above the

marsh, and that only at the highest tides. All these islands were covered with cattle, and they continued on them all winter without the least inconvenience, and have been doing all the time exceedingly well.

In your letter of the twenty-eighth of November last, accompanying your circular, you mention the washing away of Baca's house on Putah river. I never heard of it, but, however, it is possible, as that house was built very near the bank and immediately below a ford, and the least overflow of the river would wash any adobe building.

JOHN PEABODY,
County Surveyor, Solano County.

YOLO COUNTY.

AMOS MATHEWS.....County Surveyor.

OFFICE COUNTY SURVEYOR, }
Washington, Dec. 2d, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In accordance with the law I transmit the following report:

Yolo County, as any map of the State indicates, is bounded on the east by the meanderings of the Sacramento river for a distance of nearly one hundred miles; on the south by the Township line between Townships 5 and 6, North, and by the centre of Putah creek; on the West by the Range line between Ranges 2 and 3, East, and by the main ridge of the Coast Range Mountains; on the north by the Township line between Townships 12 and 13, North. The agricultural portion of the county includes about two hundred and fifty-five thousand six hundred acres. The grazing portion, including the swamp district, occupies about two hundred and thirty-four thousand acres. The Coast Mountains terminate in a succession of out hills, losing themselves in the level plain.

Cache creek, the outlet of Clear Lake, is a mountain stream of pure water to its debouch from the mountains, where it receives the turbid waters from numerous arroyos, and during the rainy season continues a rapid muddy stream to a point within three miles of the Sacramento river, where it spreads over the flat and low swamp known as the Tule.

The debouch of Putah creek is about on the line of Section 30, Township 8, North, Range 1, West. This stream is a counterpart of Cache creek, and likewise sinks in the tule. Water may be obtained from these creeks at a light expense for the complete irrigation of the dry lands. There is a gradual decline in the face of the country toward the river to a point about one and a half miles from the bank, where is found the lowest point. I found, in making a survey for a road west from Sacramento, the lowest point in the tule is but about thirteen feet below the river bank. At the lower end of the county, I am of the opinion the deepest part of the swamp is not more than eight feet below the river bank.

The natural outlet for the tule water is through the numerous sloughs making inland from Steamboat slough, above the town of Rio Vista. From Cache creek, extending to the river at Knight's Landing, is the old bed of a slough, supposed to have once been the continuation of

Cache creek. The banks of this slough are high. No water during the late great flood passed over this natural barrier. Above this point, running about parallel with the river bank, is the Sycamore slough, extending northward into Colusa County. This slough is the natural but inefficient outlet to the tule water which comes partly from the mountains and partly from the overflow of the river. A great part of this water must await evaporation during the series of dry years. Previous to eighteen hundred and sixty-one, the tule lands were the almost sole pasture of the immense herds of cattle then in the county; and they had, within the knowledge of residents, receded from earlier limits to the extent of more than a mile. The unprecedented flood of last year swept away whatever of improvements had been placed upon these lands. But confidence is again being established in their availability for agricultural and grazing purposes.

I am of the opinion that such a flood as the last has not occurred within the last hundred years, and, perhaps, never since the Great Flood receded from the land. The evidence upon which I found my opinion, in part, is the undoubted fact, that many years ago, the banks of the Sacramento were inhabited by populous tribes of Indians, who have disappeared from the face of the earth. In witness, we see the numerous mounds scattered along the river bank through the whole valley. These mounds must be very old; some of them had large oak trees, grown from acorns carelessly thrown aside by this extinct race. These mounds, till within a year, retained their shape as left by the aborigines; there could be seen the excavation scooped out where stood the principal hut, with numerous smaller cavities, used for like purposes. Now the flood has destroyed the original shape of the mounds, and we see but a heap of earth strewn with the skulls which, for centuries, had lain covered with the light ashes and mould of which the mounds were composed. Some say the Indians did inhabit the valley, but were destroyed by a great flood, wherefore we do not find their descendants; but all of us have seen just such mounds on high lands, where no modern flood has ever reached; and the apparent age of these mounds indicates their inhabitants to have been coeval with those who lived along the river. The mounds are of the lightest material, and accumulated slowly, in long years, from ashes and decayed vegetable matter. In my opinion, if floods had often occurred, they would have been washed away ages ago. In one place on the river I saw an innumerable number of skulls, the mound in which they were buried having been almost entirely swept away. In many places great oak trees, centuries old, have been uprooted and carried away. The Indians have no knowledge of any disaster which happened to their ancestors by reason of floods, and their traditions must certainly extend back a hundred years, as many of them have lived three quarters of that time.

In the valley, away from the Sacramento river, are small streams upon whose banks the early Spaniards built their adobe houses. In one such case, whose history is verified by many men, the last winter's flood carried away the houses which stood, above all thought of floods, for twenty-five years. I mentioned the last fact as one upon which we can reasonably rely. I spoke of the material of which the mounds are composed, that you may see they could not withstand a great current of water. I spoke of the mounds as evidence that the Sacramento valley is inhabitable. I spoke of the great age of these mounds as showing the valley not to have been submerged so lately as many believe. It is needless for me to say we require levees and canals. The Sacramento valley

is composed of the sediment which, from creation, slowly washed from the mountain sides and settled in the lake, which, I imagine, one day bordered on the foot hills. The heaviest of this sediment settled near the mountains, the lighter further down towards the bay, or what I suppose to have been the outlet to the lake. This process was continued through time till the lake became shallow; the points near the mountains still more rapidly filling up, the slope was finally established from the mountains to the sea, which gave current through the centre of the shallow lake. This current threw sediment along its eddies, which, in time, became the banks of the Sacramento river. If the course of nature had been allowed to go on, the low lands would have been gradually filled, the banks of the river gradually raised, accumulating faster near the mountains, till, in time, the river would have gained sufficient fall to have carried, by its rapid current, without overflow, all the waters from the mountains. But, unfortunately, we prematurely found the El Dorado, and ever since have sought to guide nature in her work of reclamation; and we must so guide her henceforth.

In reply to your request for statistics of the late flood, I can state, perhaps, but little not generally known. This county was pretty generally overflowed, either by the river or by the rush of water from the coast mountains. The greatest depth of water in the tule, west from Sacramento, was about fifteen feet. Considerable quantities of sediment were deposited. I think we should ask to know how the water stood at different points with reference to the river when its banks were full, with no regard to height above low water mark. The river, at this point, rose about two feet above its banks; fifteen miles farther down, about three feet; and at Rio Vista, where the incline plane of the river meets the horizontal plane of the Bay, it rose nearly eight feet. There was but little current in the river during the flood. The water, as is natural, ran where was the greatest fall; that is, where there is a fall of one in sixteen by the tortuous course of the river, there may be a fall of one in four on a direct line. In one instance, the counter current carried a barn two miles up the river, and deposited it on the opposite bank, where it now stands. To reclaim the valley, we must adopt a general system. I think the present reclamation law needs some radical changes. The surveys obtained under it are, perhaps, worth all they cost. Under the law, we must permanently reclaim a district, or let it alone altogether. We cannot cut a drain which would render the worst swamp fit for grazing, unless the Engineer reports that the district will be permanently reclaimed. Some Engineers have been forced to do so, most of them have refused, and so but little is accomplished. I think the executive of the Swamp Land Department should be given more authority. I think money should be expended for partial reclamation. To do this with success, a thorough system for the main valleys must be adopted. There must be a thorough survey, unless from the detached surveys a general system can be determined upon. The executive of the department should have power to direct works for reclamation, without regard to persons immediately interested as land holders. Without a general system, we will be, by the breaking of detached levees from time to time, inundated, or if the levees stand, the water will be forced into some unnatural channel, and thus render all insecure. It has been proposed, and, I think, with wisdom, that an additional outlet be made, from the Sacramento river to the Bay. I believe such a channel might be made sufficiently large to carry a great portion of the waters of the upper Sacramento, and also the waters of Cache and Putah creeks, which

would, perhaps, permanently reclaim the main tule in this county. I judge, if this policy were adopted, the river should be tapped above the mouth of Feather river, and its waters carried into an arm of Suisun Bay. This Bay rose scarcely higher this year than at other times. The supposition that the Straits of Carquinez would not let the water pass as rapidly as it accumulated, is, as you know, entirely erroneous. If a channel is to be cut for the purpose of relieving the Sacramento, it will be a work in which the whole Sacramento valley is interested. This county will be but little more interested than Sutter, Sacramento, San Joaquin, and Solano Counties. Any survey, with such an object in view, the Board of Swamp Land Commissioners have no power to order. If it is desirable to cut away an obstruction in the channel of any stream, the Board find no authority in the law. Our valleys will always have to be guarded, and it is proper that we take measures thus early for the systematic construction of all improvements. I would, therefore, respectfully ask you to consider and recommend some practical amendments to the reclamation law.

Respectfully yours,

AMOS MATHEWS,
County Surveyor.

STOCKTON, December 26th, 1862.

Hon. J. F. HOUGHTON,
Surveyor-General:

DEAR SIR:—In response to your questions in relation to the late flood, I have obtained from Mr. J. D. Morley, of Stanislaus County, the following replies in relation to the effects of the flood in that county, and also certain other information which is thereto appended:

First—The extreme height above low water mark at well designated points upon the Tuolumne and Stanislaus rivers, was twenty feet, but where the Tuolumne river flows through the mountains, the extreme height was fifty or sixty feet. The extreme height above low water mark at well designated points on the Merced river and Dry creek, was fifteen or sixteen feet.

Second—The water attained its greatest height on the tenth or eleventh of January, eighteen hundred and sixty-two.

Third—The lands in Stanislaus County adjacent to the Tuolumne, Stanislaus, and San Joaquin rivers, and Dry creek, were overflowed to the depth of eight or ten feet.

Fourth—All lands bordering upon streams in Stanislaus County were overflowed. The Tuolumne and Stanislaus rivers overflowed land to the width of about a mile; the San Joaquin, in Stanislaus County, overflowed lands to the width of from five to twenty miles. Persons living upon lands overflowed by that stream, only saved their lives by fleeing to the mountains and high lands. Dry creek overflowed lands to the width of from one-quarter to two miles.

Fifth—The banks of the Tuolumne and Stanislaus rivers have been very seriously affected by washing; in some places the width has been increased from two hundred to fifteen hundred feet; and whenever those

rivers rise five or six feet, there will be three or four channels at different points, all occasioned by the washing of the late floods. The banks of the San Joaquin are very little changed, the river retaining its original channel. Tuolumne river, by changing its channel and overflowing its banks, has destroyed many ranches by washing away the soil.

Sixth—The Tuolumne and Stanislaus rivers have changed their channels in many places, and large sand bars have been formed in those rivers. The San Joaquin retains its original channel, and there are no bars to obstruct the navigation.

Seventh—There was a deposit of light sandy material upon most of the submerged lands in Stanislaus County, varying in depth from six inches to four feet.

Eighth—Upon the Swamp and Overflowed Lands in Stanislaus County the depth of water was about ten feet, the current running west-north-west. The deposit was less than upon some of the higher lands, varying in depth from four inches to two feet, the deposit upon submerged lands near the mountains and low hills being always greater than upon the lower lands. The deposit upon the Swamp Lands was more of a vegetable character than that upon the higher lands.

Nine tenths of the crops upon the Tuolumne and Stanislaus rivers were destroyed, and many houses were swept off; a general destruction of fencing occurred; many cattle and horses perished in the flood; the destruction of timber was very great, caused entirely by the soil being washed away from the roots of the trees by the immense volume and velocity of the water. Many of the ferry-boat landings were entirely destroyed by washing of the banks, changes of channel, and formation of bars.

In relation to Merced County, on the Merced river the effects of the flood were very similar to those occasioned by the Tuolumne and Stanislaus rivers.

The effects of the flood in Mariposa County, generally, in consequence of the face of the country being more hilly, were, that so great an area was not overflowed, and the injuries were confined principally to mining improvements upon the banks of the Merced river and various creeks—the water rising as much as fifty or sixty feet above low water mark.

At such times as I receive information in relation to the flood, I will send it to you.

Yours respectfully,

W. H. LYONS.

BRANCHE'S FERRY, Stanislaus County, }
December 5th, 1862. }

W. H. LYONS, Esq.:

DEAR SIR:—In answer to your note of the first instant, I would state that it gives me great pleasure to impart any information in my power regarding the subjects mentioned in the Surveyor-General's circular:

First—On the Tuolumne river, at this point, (Section 35, 3, South, 13, East,) the extreme height was about thirty feet above low water mark, and about seven feet higher than the high water mark of the flood of eighteen hundred and fifty-one and eighteen hundred and fifty-two.

Second—About meridian, on the tenth of January, eighteen hundred

and sixty-two. On Saturday, the eleventh, at twelve o'clock, it having fallen three or four feet in the interval, it was a few inches lower.

Third—From seven to twenty feet.

Fourth—All the bottom lands on the Tuolumne river, from bluff to bluff. I should think that ten times as much land was submerged as lies within the United States meandering posts.

Fifth—The banks of the river have all been washed away; in some places to the extent of five or six rods.

Sixth—Old bars were washed away, and new ones formed. The channel was changed every half mile, in many instances sweeping away all the bottom lands, in others, cutting a new channel through the centre of a ranch.

Seventh—In some instances the flood left large deposits on the land of a light sandy character, unfit to sustain vegetable life. The flood appears, in most cases, to have swept off the soil and original deposits to the depth of from five to twenty feet, and as the water subsided, to have deposited sand and loose gravel of various depths.

Eighth—I can only state that I believe that nearly every acre of overflowed land within the United States meandering lines on the Tuolumne river has been swept away, or rendered valueless by a deposit of sand, as the water fell.

In reply to the concluding clause of your letter I would state that no flood of like character and extent has occurred on the Pacific slope for many hundred years. The evidences in support of this conclusion are to be found in the facts that the land washed away along the river banks was originally formed from alluvial deposits, in some places ten or twelve feet above the bed rock, where the Indians had for years bruised the acorns and seeds for food, forming dozens of small and large holes in the rock. The period of time occupied in forming ten or twelve feet of deposit, including a foot or two of soil, geologists can determine. Upon that deposit grew oak trees from five to ten feet in diameter, washed up and carried down the stream. Some of them must have been more than three hundred years old. In some places the hearts of large oak trees can now be seen lying on the bed rock where ten or twelve feet of the original deposit has been washed down stream.

My ranch, as well as those of many of my neighbors, were rendered nearly valueless by the sweeping away of the soil and depositing afterwards of loose gravel and fine sand, which the wind blows hither and thither as it changes.

In a hurried manner I have given you all the information thought of at this moment; any further questions answered with pleasure.

I should estimate the damage caused by the flood on the Tuolumne river, from Jacksonville to its mouth, at not less than one hundred and fifty thousand dollars.

Yours respectfully,

LOUIS M. BOOTH, M. D.

REPORTS OF COUNTY ASSESSORS.

BUTTE COUNTY.

S. Y. HALE.....County Assessor.

OFFICE COUNTY ASSESSOR,
Oroville, December 1st, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In accordance with law, I send you my annual report for the present year.

The agricultural business in this county is steadily increasing. The crops this year have generally been good, and the farmers have received fair prices for their grain and hay. Wheat and barley are the principal crops raised.

Tobacco, in small quantities, has been grown in different parts of the county, and wherever planted has produced well.

The Chinese sugar cane has been successfully grown here this year. Mr. F. Phillips, an enterprising farmer on Pine creek, has erected a mill, driven by water power, for crushing the cane, and has succeeded in manufacturing a good article of syrup.

The raising of fruit trees and grape vines is yearly increasing, and we have already many large orchards and vineyards in full bearing. But the insecurity of land titles in this county has been a great drawback to that branch of business.

This county, in common with the other stock raising counties, suffered severely in the loss of cattle last winter, which has been the cause of the falling off of the assessable property, compared with last year. Farmers and stock raisers are now turning their attention more to raising horses and sheep, and are improving the breeds of each.

The keeping of bees is attracting the attention of farmers and others, and where proper attention has been paid to them, they have done remarkably well, and have been profitable to the owners.

Mining still continues to pay well; the yield of gold has been greater this year than last, and the miner has been better remunerated for his labor. Tunnel and hydraulic mining is now the principal mining that is

carried on. River and quartz mining is not as good paying business as it has been in years past.

Very respectfully yours,

S. Y. HALE,
Assessor of Butte County.

CALAVERAS COUNTY.

J. THOMPSON AND OTHERS.....Township Assessors.

OFFICE COUNTY ASSESSOR,
Mokelumne Hill, Dec. 6th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

Sir:—We beg to enclose to your address herewith the annual report from this county, in compliance with Act of the Legislature.

You will observe there is a small falling off in total amount of assessable property in this county, as shown by the returns made, from the amount of eighteen hundred and sixty-one. This is to be accounted for by the general depreciation and loss arising from the unusually severe winter last past; but for this, we might figure up, perhaps, at least one quarter of a million of dollars more in total value:

Value of Real Estate and Improvements.....	\$1,191,044
Value of Personal Property.....	1,433,268
Total value of Property.....	\$2,624,312

The mines of this county continue to yield their treasures, though not in the great abundance of former years, still in remunerative quantities; but the great feature and ultimate mining interest, and we might say the real basis of our future prosperity and wealth, is our copper mining interests. We are now shipping from the various lodes already opened, not less than four hundred tons of ore per month, which varies in quality from that which assays twenty-five per cent to that which will reach as high as fifty-two or fifty-three per cent in metal. By the return of another year, from the progress made in explorations, we may look for a monthly shipment of at least eight hundred tons. Our busy miners are now at work exposing some of the best lodes to be found in the known world. The lodes run through the county in a southeast and northwest direction in several localities. Those opened at Hog Hill, Copperopolis, Campo Seco, San Domingo, John Bull Diggings, and at several other localities in the county, will place Calaveras at the head of the copper producing counties of the State, and be one of the chief sources of its revenue. And in this connection, we would again urge upon our State authorities the necessity of lending us a helping hand by means of practical scientific knowledge in the speedy development of this large means

of future prosperity to our county, and, as a necessary consequence, to the State.

The extreme winter lately passed was very destructive to our mining ditches and other improvements of like character, so much so that some of the larger ones have been compelled to make an outlay of many thousand dollars to bring them to a condition to pass water through; while many of the small ones were entirely destroyed or rendered valueless; this will account for the decrease in the number as compared with last year's returns.

In agriculture, the county is not, we are sorry to say, making much improvement, while in horticulture, for a mountain county, we think Calaveras will vie with the most advanced. We boast of trees and vines, as follows:

Description.	Number.
Apple.....	29,610
Peach	26,252
Pear.....	5,110
Plum.....	2,519
Cherry.....	1,051
Nectarine.....	1,011
Apricot.....	1,131
Fig	650
Pomegranate.....	120
Almond	316
Gooseberry.....	1,697
Raspberry.....	6,105
Currant.....	1,344
Strawberry.....	54,058
Grape vines.....	300,049

Besides many of the more rare specimens, such as lemon, orange, pepper, prune, etc. The quality of fruit produced will bear favorable comparison with that of any other part of the State.

Nevada Territory, and our neighboring County of Mono, are still drawing largely from the wealth and labor of this county, and in the spring of eighteen hundred and sixty-three will take from us an amount of capital and enterprise which, unless replaced from other quarters, may tend to still lessen our taxable property. This, in connection with the generally unsettled titles to valuable districts of agricultural lands—particularly in the foot-hills—will cause property in the mountain counties to be more or less fluctuating until a final title, clear and unclouded, is vested in the occupant.

All of which we respectfully submit for your perusal.

Yours, etc.,

J. THOMPSON, Assessor Fourth Township.

B. K. THORNE, Assessor Fifth Township.

D. S. BATES, Assessor Sixth Township.

S. W. BRIGGS, Assessor Seventh Township.

JOHN GILLILAND, Assessor Eighth Township.

VOLNEY SHEARER, Assessor Ninth Township.

DEL NORTE COUNTY.

GEORGE W. RUSSELL.....County Assessor.

OFFICE COUNTY ASSESSOR,
Crescent City, Sept. 15th, 1862. }Hon. J. F. HOUGHTON,
Surveyor-General:

DEAR SIR:—Herewith please find my report as County Assessor of Del Norte County for the year eighteen hundred and sixty-two.

If it had not been for the appearance of total neglect I would not have made any return at all, having found it impossible to make anything like a correct one. Nearly all the stock was driven out of the county very early in the spring, and that which was left was so left in the hands of agents, who could only account for them in figures, and it is a matter of impossibility for an Assessor to make a report when things are in that state.

Nearly all the farmers left early in the spring for the new mines, leaving their ranches and property in the hands of agents, which agents can only give the taxable value of such ranches and property from figures left with them by the owners previous to leaving, and as for getting any information from them, as is required, it is impossible. Consequently, even my very lame report as rendered I cannot vouch for as correct. Our county at present is truly in a dilapidated condition.

Very respectfully yours,

GEORGE W. RUSSELL,
Assessor of Del Norte County.

EL DORADO COUNTY.

GEORGE McDONALD.....County Assessor.

OFFICE COUNTY ASSESSOR,
Placerville, Nov. 10th, 1862. }Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—I have the honor to transmit the following report, as Assessor of El Dorado County, for the year eighteen hundred and sixty-two:

Total number of acres of land claimed is.....	211,410
Agricultural land.....	30,271
Grazing land.....	181,139
Acres in Wheat.....	178
Acres in Barley.....	1,958
Acres in Oats.....	2,083
Acres in Grass.....	5,122

Number of Apple Trees.....	80,427
Number of Peach Trees.....	44,289
Number of Plum Trees.....	5,908
Number of Cherry Trees.....	1,474
Number of Pear Trees.....	8,741
Number of Apricot Trees.....	1,200
Number of Nectarine Trees.....	875
Number of Quince Trees.....	1,110
Number of Almond Trees.....	462
Number of Fig Trees.....	451
Number of Grape Vines.....	772,547
Number of Wagons.....	990
Number of Buggies.....	69
Number of Carriages.....	15
Number of Harness.....	1,561
Number of Horses.....	2,821
Number of Colts.....	272
Number of Mules.....	1,351
Number of Jacks.....	48
Number of Cows.....	3,058
Number of Calves.....	1,197
Number of Oxen.....	1,263
Number of Stock Cattle.....	3,900
Number of Hogs.....	4,220
Number of Sheep.....	2,138
Number of Goats.....	651
Number of Stands of Bees.....	264
Number of Steam Saw Mills.....	23
Number of Water Power Saw Mills.....	13
Number of feet of Lumber for 1862.....	19,000,000
Value of Lumber.....	\$285,000
Water Power Grist Mills.....	2
Run of Stones.....	4
Value of Mills.....	\$3,500
Bushels of Grain Ground.....	20,300
Value of Grain Ground.....	\$32,750
Number of Toll Roads.....	17
Aggregate length in miles.....	126
Canals and Ditches.....	60
Aggregate length in miles.....	662
Miles of Telegraph line.....	200
Toll Bridges.....	9
Steam Quartz Mills.....	3
Water Power Quartz Mills.....	2
Cement Mills.....	3
Steam Marble Mills.....	1
Soda Factories.....	3
Breweries.....	11
Marble Quarries.....	5
Foundries and Machine Shops.....	1
Money on hand.....	\$316,619
Gold Dust.....	18,216
Money at interest.....	285,160
Solvent Debts.....	229,917

Stocks of Goods.....	\$355,127
Furniture.....	61,055
Total value of Property for 1862.....	3,862,649
Total value of Real Estate.....	463,260
Total value of Improvements.....	1,341,049
Total value of Personal Property.....	2,058,340
Increase over 1861.....	68,529

The unprecedented floods of the past winter destroyed a large amount of property in this as well as other counties in the State. The loss of cattle and other stock was immense, nearly every bridge in the county was swept away, and great damage done to canals, ditches, gardens, saw mills, etc. Under these circumstances it was expected there would be a large decrease in the amount of taxable property as compared with last year. Yet, notwithstanding these reverses, the energy and perseverance of the people of our county are rapidly recovering and repairing the losses. Already the assessments show a small excess over the total valuation of eighteen hundred and sixty-one. I regret being unable to furnish you with much of the valuable information required in your circular of February last. Many and unforeseen difficulties have prevented the collection of much statistical matter. This, it is believed, can, in a measure, be obviated during next season.

The agricultural interests of the county are in a highly satisfactory state, and steadily advancing, more attention being given to horticulture than to the raising of cereals.

Much difficulty attends the assessing of possessory rights to lands at anything above a mere nominal value, all the lands in the county being considered mineral.

The two interests—agriculture and mining—come in frequent collision, and occasion many and vexatious law suits, from the uncertain tenure by which they hold their respective claims.

The brief report I hereby furnish you is far from doing justice to the great and growing resources of El Dorado County; her energies, heretofore devoted almost exclusively to mining, are gradually being directed to other enterprises, and the change of pursuit, it is believed, will result in the highest advantage to our condition, both moral and material.

The successful culture of the vine, and the consequent manufacture of wine, gives promise of an early future when our hillsides, now frowning in barrenness, will be dotted all over with happy homes of contentment and plenty, and our broad acres yield at each returning vintage abundant reward for the patience and toil of the laborer.

GEORGE McDONALD,

Assessor of El Dorado County.

—
PLACERVILLE,)
Nov. 29th, 1862. }

The foregoing is a true copy of my original report.

GEORGE McDONALD,

Assessor of El Dorado County.

FRESNO COUNTY.

THOMAS J. ALLEN.....County Assessor.

OFFICE COUNTY ASSESSOR,
Millerton, November 4th, 1862. }Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In compliance with law I respectfully submit my report for the current year. Owing to the many difficulties in the way, occasioned by last winter's floods, it is impossible for an Assessor this year to get any accurate information in regard to the statistics of the county.

The area of our county I have no means of arriving at correctly, its boundaries are irregular, as there is a great portion not yet surveyed, and I think there are certain portions of the county line should be ordered surveyed this fall, as it is very hard for an Assessor to know where he is; as he has to go, in many cases, by nothing but imaginary lines, it would also make it more satisfactory to people living close to a line to know for certain what county they are living in. The lines most needed to be run are as follows: the line commencing at the Newton crossing of the Chowchilla, running up as high as inhabited; the said line was run, at the time of the organization of the county, for a short distance up, but was considered incorrect; also, the line on lower Kings river, below Blisses' Ferry, or Kingston, commencing at a point to which the last survey was taken to, running to Tulare Lake, thence from other side of where the line strikes the lake to summit of the Coast Range, or to where this county joins with San Luis Obispo County.

AGRICULTURAL STATISTICS.

Description.	Number.
Land enclosed, acres.....	4,975
Land cultivated, acres.....	3,980
Wheat, acres.....	450
Wheat, bushels.....	8,500
Barley, acres.....	1,000
Barley, bushels.....	19,000
Corn, acres.....	160
Corn, bushels.....	3,200
Beans, acres	1
Beans, bushels.....	15
Potatoes, acres	4
Potatoes, bushels.....	371
Sweet Potatoes, acres	4
Sweet Potatoes, bushels	520
Hay, acres	900
Hay, tons.....	1,050
Cheese, pounds.....	500
Eggs, dozens.....	5,500
Wool, pounds.....	29,000
Honey, pounds	2,100

Fruit Trees and Vines.	Number.
Apple Trees	1,150
Peach Trees.	2,575
Pear Trees	160
Plum Trees.....	85
Cherry Trees.....	96
Apricot Trees.....	22
Fig Trees.....	6
Raspberry Bushes.....	6
Strawberry Vines.....	250
Grape Vines.....	8,000

Live Stock.	Number.
Horses, American.....	153
Horses, Spanish, tame.....	1,356
Horses, Spanish, wild.....	2,248
Total number of Horses.....	3,757
Mules	103
Asses.....	70
Cows.....	433
Calves.....	241
Stock and Beef Cattle.....	55,913
Oxen.....	213
Total number of Cattle.....	56,800
Sheep	43,353
Goats.....	1,321
Hogs.....	7,692
Chickens.....	4,953
Turkeys.....	170
Ducks.....	30
Bee Hives.....	168

Description.	Number.	Value.
Animals slaughtered.....		\$25,650
Saw mills, steam power.....	1	8,000
Saw mills, water power.....	3	2,800
Lumber sawed, feet.....	50,000	900
Mining Ditches, miles in length.....	3	400
Amount of water, inches.....	80	
Ferries	6	5,000

Description.	Value.
Land and improvements.....\$197,454 53	
Improvements on Public Land..... 56,572 00	
Amount of Personal Property..... 708,958 75	
Total value of property.....	\$962,985 28
State and County Tax.....	18,297 36

Our county is better adapted at the present time for grazing purposes than farming, although there are thousands of acres of rich land, well adapted for farming purposes, but on account of the drought natural to the country, and no water to irrigate with, it cannot be cultivated. But the time is not far distant, in my opinion, when Fresno County will show by her statistical reports to be not far behind the foremost county in the State for farming. This year there is not much grain raised, it being so wet last winter that many farmers could not plough in time to plant. As a general thing considerable grain is raised for fattening hogs, and considerable cut for hay. It is more profitable to cut for hay than for the grain.

The farming at present is confined to valleys in the mountains and foot-hills, and to the river bottoms, where, as a general thing, the soil is rich and deep, producing well.

Of Swamp and Overflowed Land there is an immense quantity, but as yet nothing has been done to reclaim it. There is considerable of it that would produce well if cultivated.

The increase of live stock since last year has been small, and in some species of stock (as you will see by the report) has run behind, owing to losses occasioned by last winter's floods, and removal of stock from the county.

The mining interest of this county is small compared with the other counties north. As there has been no heavy hill or bank diggings discovered yet, mining is confined to small gulches in the winter season, and the river beds in the summer and fall. The San Joaquin, Fresno, and Chowchilla, are the principal streams worked for gold, although there are quite a number of minor streams which yet afford employment for a number of hands. The bed of the San Joaquin has been but little worked as yet, on account of a large amount of water to contend against, and being late in the season before it is low enough to commence operations, although there have been many claims worked to advantage, paying well, and ground enough left to give employment to many hands for years to come. As the white mining population of the county is small, the diggings are worked mostly by Chinese, who pay considerable revenue to the county.

There is considerable quartz in the county, but it has been prospected very little as yet, although I have seen as rich specimens from veins here as from any section in the State.

The New Idra quicksilver mine, which is located in the lower end of this county, in Coast Range Section, when in operation pays very well, making from ten thousand (\$10,000) to fifteen thousand (\$15,000) dollars

per month, clear of expenses. They keep from two to three hundred men employed at the mines.

The whole line of Coast Range in this county, I think, is rich in mineral. There has been found, silver, lead, copper, coal, and quicksilver, and I think when that part of the county is fully developed it will prove to be one of the richest mining sections in the State.

We have now four saw mills in our county, three are water mills, located on the North Fork of the San Joaquin river—there was but one located there last year, two have been built since—cutting from fifteen hundred to three thousand feet per day to the mill, and, from all appearance, will do a lucrative business. The one that was operating last year, as you will see by the report, sawed but a small amount of lumber, much under the demand; the other mill is steam-power, located on the waters of the Cowee, or Mill creek, and, owing to last winter's flood having cut up the roads so bad, and no person being at the mill, I could not get the information desired, but from the large amount of lumber hauled from there last year, and from what I can learn, leads me to believe that there was a large quantity of lumber sawed. The above mills are all located in the best of timber.

We have some of the finest timber in the world, comprising the sugar, yellow, white, and spruce pine, the fir, and cedar, which grows in inexhaustible forests in the high mountains. The valleys and low hills are timbered with the pitch, or scrub pine, post and white oak, and you may also find a species of live oak, resembling that found in the Atlantic States; and on the creek bottoms grows the cottonwood, willow, ash, and alder; the manzanita grows in great abundance in the low hills, but is very seldom used for any purpose.

We have about seventy-five miles of telegraph running through the lower end of the county.

There are six ferries in this county, three on the San Joaquin, and three on King's river; they all do a fair business, from what I can learn.

Bees in this county do very well; on King's River, where they are mostly raised, they do as well, and perhaps better, than in any section of this State. Already they have cut at least one hundred bee trees, the bees having swarmed and went to the timber. Trees have been found that turned out over one hundred pounds of strained honey. The climate and range is well adapted for their culture.

Yours, respectfully,

THOMAS J. ALLEN,

Assessor of Fresno County.

HUMBOLDT COUNTY.

R. WILEY.....County Assessor.

OFFICE COUNTY ASSESSOR,

Eureka, November 18th, 1862. }

Hon. J. F. HOUGHTON,

Surveyor-General:

SIR:—In conformity to law, and in compliance with your circular of February twenty-eighth, I respectfully submit the following report of

the statistics for the present year for Humboldt County, and if they are not as full and complete as they should be, the fault may be attributed to the difficulties appertaining to the collecting of statistics in a country that is groaning under all the horrors incident to an Indian war.

Humboldt County is situated immediately on the coast, and embraces all the country between the fortieth and forty-first degrees of north latitude, and running back to the summit of the Coast Range, and embraces within its limits Cape Mendocino and Humboldt Bay. Said Bay extending inland from the entrance to the town of Arcata, (situated at the head of the Bay,) a distance of sixteen miles from the coast. The county seat is located at Eureka, situated on the south side of the Bay and about midway between Arcata and the entrance of the Bay.

The number of votes polled at last election was eight hundred and forty.

The number of persons assessed was eight hundred and twenty.

Humboldt County may be strictly called an agricultural county, from the fact that the Indians have driven the citizens entirely from the grazing portions of the county, and where last year twenty-six thousand head of cattle were feeding on the most luxurious grass the State affords, now scarce seventeen thousand can be found; showing a loss of over nine thousand head in one year, besides the increase.

The aggregate amount of grazing lands exceeds the amount of farming lands by two or three to one, but the total amount cannot be obtained, from the fact that the county lines have never been surveyed, nor has the larger portion of the county been surveyed by the United States.

There is a dense forest of redwood timber running through the county from north to south, and parallel with the coast, from ten to fifteen miles in width, outside, or east of which, is our grazing land, (Bald Hills), and all of which, from its alluvial soil, is susceptible of the highest state of cultivation.

Our farming land, however, at the present time is confined to the small valleys around the Bay and Eel River Valley, which is the finest body of farming land in the county.

The following table will show the amount of stock now in this county:

Description.	Number.
Horses, Spanish and American	2,035
Mules, (mostly Pack Mules)	593
Asses.....	8
Cows.....	5,456
Calves.....	7,188
Beef Cattle	3,730
Oxen.....	772
Sheep.....	584
Goats.....	41
Hogs.....	5,498
Chickens.....	5,161
Turkeys.....	178
Geese.....	83
Bee Hives.....	210
There is in this county, lands inclosed, acres.....	15,120
Lands under cultivation, acres.....	8,558

FARM PRODUCE

<i>Wheat.</i>	
Number of acres in Wheat.....	1,388
Number of bushels.....	31,653
<i>Barley.</i>	
Number of acres.....	65
Number of bushels.....	3,918
<i>Oats.</i>	
Number of acres.....	491
Number of bushels.....	23,490
<i>Corn.</i>	
Number of acres.....	56
Number of bushels.....	1,400
<i>Potatoes</i>	
Number of acres.....	457
Number of sacks.....	27,680
<i>Dairy Produce.</i>	
Butter, pounds.....	37,638
Cheese, pounds.....	12,162
<i>Eggs.</i>	
Number of dozen.....	6,860
<i>Fruit Trees, Etc.</i>	
Apple Trees.....	17,600
Peach Trees.....	9,968
Pear Trees.....	639
Plum Trees.....	975
Cherry Trees.....	417
Quince Trees.....	147
Apricot Trees.....	245
Gooseberry.....	8,630
Raspberry.....	6,300
Strawberry.....	11,800

There are four steam saw mills and two steam grist mills, also three water power saw mills and two grist mills. The steam mills are valued at fifty-one thousand dollars (\$51,000); the water power mills at fifteen thousand dollars (\$15,000.)

The saw mills have produced in the past year:

Lumber, feet	14,968,955
Lath	1,260,875

There is also one shingle machine which will produce five millions of shingles per annum.

The total amount of the assessment for Humboldt, for the present year, is as follows:

Description.	Value.
Real Estate	\$320,725
Improvements on same.....	291,705
Personal property.....	740,360
Total assessments.....	\$1,352,790

All of which is respectfully submitted.

R. WILEY,
Assessor of Humboldt County.

LAKE COUNTY.

E. L. MUSICK.....County Assessor.

OFFICE COUNTY ASSESSOR,
Lake Port, October 10th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In compliance with your circular, and in conformity with the law, I herewith submit the following as my annual report:

Lake county was organized one year ago last June, with but a small population. It is situated in the Coast Range of mountains, west of Sacramento river, with a beautiful lake of fresh water in its centre, from which it takes its name.

It is principally a grazing county, although it contains some of the finest farming lands in the State; though the valleys are generally small, confined principally to the borders of the lake and along the streams running through the mountains, they are admirably adapted to the production of grain and fruits of almost every variety, and vegetables of every description, and in the greatest abundance.

Of timber, it is generally abundant, and in many localities inexhaustible. The varieties are sugar, pitch, and spruce pines; some cedar on the mountains. The valleys are generally covered with oak and ash; the former is the finest that grows in the State for the building of wagons and the making of staves.

Of the agricultural lands it is necessary to say but little. Practical experience has proven them capable of producing, in abundance, all the grains and fruits indigenous to almost every clime and zone. Wheat,

barley, oats, corn, buckwheat, beans, peas, potatoes, onions, melons, etc., yield up to the husbandman an abundant harvest, while the growing of tobacco is no longer an idle speculation, but a proven fact.

Of the Swamp and Overflowed Land of the county, I have but little knowledge. I will refer you to the County Surveyor's report.

Mineral lands, we have but little in the county. We have some flattering prospects of quicksilver in the southern portion of the county, which bids fair to become an item of interest.

In conclusion, I would urge the more definite location of the county lines between this county and Yolo and Colusa Counties, as there is much difficulty experienced by the officers in ascertaining the true limits of their respective counties, and a number of the settlers have had their property assessed in both counties this year.

Enclosed please find my statistical table.

All of which is respectfully submitted.

E. L. MUSICK,

Assessor of Lake County.

By J. B. ROBINSON, Deputy.

MARIPOSA COUNTY.

GEORGE W. CORNELL.....County Assessor.

OFFICE COUNTY ASSESSOR,

Coulterville, November 5th, 1861. }

Hon. J. F. HOUGHTON,

Surveyor-General:

SIR:—In accordance with the laws of this State, and in compliance with your request, I have the honor to submit my report for the current year. The Board of Supervisors of this county, sitting as a Board of Equalization, have this day completed their labors. You will find by reference to the accompanying schedule, an approximate estimate of all things pertaining to the resources of this county. It is almost impossible to furnish figures and facts in the premises, but by due and diligent inquiry, I think the return will approximate very near the truth.

You will observe a large increase in the assessed valuation of real and personal property. This fact is to be attributable to the energy of our Board of Supervisors, and to their impartial but inflexible execution of our revenue laws. This is a gratifying fact when it is remembered that our county has ever lain under an incubus of a heavy debt. There being under the present assessment, the supposed amount of nine thousand dollars increase income on property tax, and citizens of the county can now soon hope confidently of the extinguishment of our public debt.

Our county is emphatically a mining county. Its geographical situation is from the foot hills on the west, and extending to the summit of the Sierra Nevadas on the east, and bounded on the north by the first township line south of the Mount Diablo meridian. Throughout the extent of its length and breadth is found deposited the precious metals in greater or less quantities. Through the centre of our county runs the great back bone quartz lode, with its ramifications of metalliferous de-

posits. Heretofore, these deposits have been sought for the gold contained in them, but recent experiments and discoveries have demonstrated the fact that large deposits of the sulphates of copper exist, and that enterprise and capital are only needed to develop one of the many rich resources of the wealth of California. A company already organized are now at work opening the lode on the Merced river, about two miles above Flint & Peabody's mill. Scientific men express confidence in the richness of the deposit, and say that the indications rival the far famed Copperopolis country.

To the southeast of the town of Mariposa about eight miles, on the waters of the Chowchilla, recent discoveries have been made of rich deposits of silver ore. Assays have been made, and the results therefrom have been sufficient to induce parties to commence the development of these mines. The stage of productiveness of these mines is yet incipient, therefore no absolute assurance can be given of their ultimate value.

The parties controlling the Las Mariposas estate in this county, have erected and now have several quartz mills running, in the aggregate, about one hundred and fifty stamps, sixty-four of which are driven by water power, and the remainder by steam. The gross product of these mills is variously estimated at from fifty to one hundred thousand dollars per month. The approximate amount will be near sixty thousand dollars per month.

We have no large bodies of agricultural land. Our arable soil is confined to small patches along the courses and deltas of our streams, and even but few of these are under cultivation, the adjoining Counties of Merced and Stanislaus furnishing us our supplies of cereals cheaper than we can grow them. Even our wants in vegetables are partially supplied from the Tuolumne and Merced country, at a point west of our county line. Nearly all grain grown in this county is found most profitable to cut green and make into hay. By this means a portion of our wants are supplied.

I respectfully refer you to the schedule for statistics concerning grapes.

You will observe that though our county is deficient in cereals and table vegetables, yet the grape flourishes largely in proportion to our population. This fact demonstrates the certainty that our mountain and hill sides are eminently adapted to the growth of the grape.

The vine will ultimately be a source of revenue and profit to producers.

Of timber, it is generally abundant in the mountainous districts of our county. From the western county line to Mariposa town the variety is small, and consists mainly of several species of oak, and inferior species of pine. To the eastward of the latter point the supply is inexhaustible, and consists of sugar, spruce, and pitch pines, of the finest and noblest qualities.

Lying about forty-five miles northeasterly of the town of Mariposa, is the valley and falls of the Yosemite. A description of this far famed natural curiosity would possibly be inappropriate in this report; but suffice it to say that it abounds in the wildest and sublimest scenery. A deep gorge in the mountains, it nestles far below the towering cliffs, and clothed in sylvan verdure; it receives at its eastern extremity, from a leap of four hundred feet, the waters of the Merced river, and bears them the distance of ten miles to its western extreme. From either side numerous little streams fall over the cliffs into the valley, seeking their level in the Merced river, forming many fantastic cascades, blending the sublime and beautiful in one view. A sight worth a visit.

We have no toll bridges—the floods of last winter carrying away all we then had, and they never have been rebuilt.

To our county town and vicinity good roads exist, and are kept in excellent order. Freight teams carry full loads to and fro all seasons of the year.

We have six School Districts, four of which now have teachers. No great attention has been given to public schools heretofore, our population being of a nomadic disposition. Attention is being paid; the subject and the School Fund increasing. We can soon hope to boast as good public schools as any in the mountains.

We have no manufactories in our county, unless three lager beer establishments can be dignified by that name. Whatever they are, they brew a sufficient amount of lager for the consumption of our citizens.

I am, Sir, very respectfully, your obedient servant,

GEORGE W. CORNELL,
Assessor of Mariposa County.

MENDOCINO COUNTY.

JOHN BURTON.....County Assessor.

OFFICE COUNTY ASSESSOR,
Ukiah City, Nov. 14th, 1862. }

Hon. J. H. HOUGHTON,
Surveyor-General:

SIR:—Herewith enclosed I send you the County Assessor's report for Mendocino County.

We have in our county a large amount of redwood timber lands, which are not surveyed, and the most of it reported not worth surveying by the United States Surveyor; but if the same could be located under the School Land law, the principal part would be taken up, thereby creating quite a revenue to the State and county. But as all of our School Lands have been located in this district, there is no chance at present for parties to locate the same. If our delegation in Congress could have a bill passed allowing the School Lands of other land districts to be located in this one, it would cause a large amount of timber and grazing lands to be located in this county. Our timber lands extend from the Gualalla river to the Ten-Mile river, above the Mendocino Indian Reservation, a distance along the coast of seventy miles, and an average width of ten miles, with quite a number of large streams emptying into the ocean, which are all taken up, and mills are located at the mouths of the same; and there is not over ten thousand acres of land located on the above described tract, subject to taxation, when there should be not less than one hundred thousand acres taxed.

Yours respectfully,

JOHN BURTON,
Assessor of Mendocino County.

NEVADA COUNTY

G. B. McKEE.....County Assessor

OFFICE COUNTY ASSESSOR, }
Nevada City. }Hon. J. F. HOUGHTON,
Surveyor-General:

DEAR SIR:—In conformity with the statute and your letter of instruction, I submit the subjoined statement of the situation and resources of Nevada County.

Nevada county lies in about the thirty-ninth parallel of north latitude, extending from the State line, nearly due west, seventy miles, with an average width of about twenty miles, composing an area of about fourteen hundred square miles. Nearly the whole county is traversed by the ranges of the Sierra Nevada, its eastern boundary being the summit or divide of the Sierras, while its western limit is the foot-hills and the low lands of the main Yuba. The differences in altitude of this mountain range produces a corresponding variety of climate and production, and while in one portion of the county frost and snow are rarely or never seen, and tropical plants flourish in the open air, in another part frost is felt nearly every night in the year, and nothing but the hardier varieties of grasses can be grown.

AGRICULTURE.

The broken and uneven character of the county prevents this branch of industry attaining the extent and importance that characterises other portions of the State. The tillable lands are generally small valleys, of a few miles in extent, scattered through the hills; though small, they are very fertile, and produce vegetables and fruit of the finest quality in abundance. These command a higher price in our mountain markets than the larger and coarser products of the lower valleys. This, together with the nearness of their markets, cheap fencing, and exemption from destructive floods, has made the cultivation of these mountain farms more generally profitable to the farmers than the more extensive and more expensive farming of the Sacramento bottom. Along the summit of the Sierras are quite a number of extensive valleys that furnish pasturage for large herds of cattle from the month of June till about November. The cattle are driven to these valleys from the lower counties of this State. They thrive remarkably in the cool air and rich pastures of these natural meadows, and furnish with the best of beef the markets of our own mountain towns and of Nevada Territory.

FRUIT.

The culture of fruit is receiving increased attention, and though cherries and apricots do not thrive, and the peach crop is sometimes diminished by the late spring frosts, yet apples, pears, plums, and grapes, are grown with the greatest success. Experienced grape culturists are confident that the red soil of our mountains will produce a superior quality of wine grapes. From the number of choice vines now in cultivation through the county, this question cannot long remain in doubt.

MINING.

Mining is the principal and staple business of the county, and for the richness, regularity, and extent of the gold mines, Nevada County has been long celebrated. Hydraulic and quartz mines are principally worked, although river mining is still quite extensively prosecuted. Of the extent of the hydraulic mines it would be impossible to give any correct estimate; improvements in the modes of working, and the diminished cost of labor and water, are yearly opening new and extensive mining sections that were formerly abandoned as worthless; as to what new ranges the future may develop, I shall not attempt to predict, but I am confident that the present generation will have ample employment to work out the mines now opened.

QUARTZ MINING.

This great and permanent branch of mining industry is steadily advancing in importance. The great improvements in machinery, in the mode of working the leads, and especially in the management of the business, is working a most important and beneficial revolution in the whole system of quartz mining. The question is no longer with the quartz miner how he shall crush the most rock, but how he can work it most thoroughly; the sulphurets, formerly all wasted, are now saved, and frequently are the principal revenue from the mine. Two or three establishments in this county are employed exclusively in the chemical treatment of sulphurets. They purchase them from the quartz mills, and the business is made not only profitable to the purchaser, but very advantageous to the mill owner. The useless and extravagant expenditure of earlier days is also done away with, and while the miner makes sure that the gold is thoroughly extracted from the rock, he also sees that none of it is wasted in unnecessary expense. One very serious drawback exists, however, to quartz prospecting; it is the very great danger that some stale and antiquated claim may be trumped up to deprive the prospector of the fruits of his energy and enterprise. Most of the prominent ledges in the county have at some time been worked and virtually abandoned, yet, upon the strength of this work, the first holder, frequently after years of absence, returns to harass the successful proprietor, either seeking to deprive him of his mine, or to levy black mail upon him for its quiet possession.

There is no legal rule by which the lapse of time necessary to constitute an abandonment is established, and the ownership of a vast number of quartz leads is therefore a matter of utter uncertainty. If some legislation could be had upon this subject, and the fact that a quartz lead was not worked for a period of one or two years, was made *conclusive* evidence of abandonment, it would give a great impetus to quartz mining, not only in this county, but throughout the entire quartz region.

The floods of last winter injured some of the older and deeper mines, filling them with water, and causing slides; they are, however, being repaired and re-opened. New leads are being daily struck, and at no period has this branch of mining appeared as active and promising as at the present.

WATER DITCHES.

In these we are highly favored. The regularity of the ridges has greatly facilitated the construction of ditches. While the numerous

streams have afforded an abundant supply of water, several of the larger ditches have their sources of supply in the lakes about the summit, and furnish water through the whole year. This water is again taken from the streams by the lower ditches, and the whole county is thus furnished with a regular and almost continuous supply of water. The effect of this, not only upon the business of mining, but upon the habits and character of the miners themselves, is marked. The magnitude and importance of the ditch interests confer a corresponding stability to the mining interests upon which they are dependent. The improvements made are of a more durable and substantial character. Continuous and regular employment induces regular and settled habits, and the miner, looking upon his employment as a regular and established business, and not a short-lived speculation, provides himself with the comforts and conveniences of a home. That these beneficial influences produce the most decided effect upon both the moral and social character of the miners themselves, need hardly be stated.

SAW MILLS.

The middle and eastern portions of the county are heavily timbered with pine, cedar, spruce, hemlock, and oak; in the western portion pine is scarcer, and oak takes its place. A large amount of lumber is used in the mines, and a still larger amount is sent to the valleys in the shape of fencing. Large amounts of lumber are yearly transported to Nevada Territory, and this must increase as the resources of that country are developed.

TOLL ROADS.

The principal thoroughfares through the county are toll roads. Experience seems to establish the fact, that if we would have good roads in the mountains we must look to private enterprise, rather than public spirit, to construct and manage them. Nothing less than the interest men feel in their own personal investments will induce them to do anything for a public highway. That interest is, however, enlisted by the establishment of toll roads, and probably the result is fully as beneficial to the community as though the county had undertaken their construction and management.

GRIST MILLS.

But little grain is grown in the county, and we have but one heavy flouring establishment. This is at Nevada City, and is capable of turning out one hundred barrels of flour per day, for which it finds a steady demand, both in this county and in Washoe. The mill is supplied with grain from Bear river, in Placer County, and from Yuba County.

FINANCIAL SITUATION.

Like most of the other counties of this State, Nevada County suffered severely from the extravagance and mismanagement of earlier days. In addition to this, the county buildings and records were destroyed by fire in eighteen hundred and fifty-six. From these causes a very heavy debt was entailed upon the county. Under the present system of assessing and collecting, with economy in the county government, this debt is being rapidly removed, and in two years, at the farthest, will be entirely

paid off. When this shall be accomplished, Nevada County, with her splendid mineral resources, will be the first, as she is now among the foremost counties in the State.

For the statistics upon which the foregoing statement is based, please see the tabular report accompanying this.

All of which is most respectfully submitted:

GEORGE B. McKEE,
Assessor of Nevada County.

PLACER COUNTY.

LETTER FROM THE CLERK OF THE BOARD OF SUPERVISORS.

AUBURN, December 10th, 1862.

Hon J. F. HOUGHTON,
Surveyor-General:

SIR:—I have labored earnestly in an effort to compile the returns of the District Assessors of Placer County, and find it utterly impossible to arrive at any conclusion which would be at all reliable; in fact, I find many statements of whose incorrectness I am positively informed, and am quite as positive that the best compilation in my power to make, would be better calculated to mislead than to convey useful information. Permit me to suggest that in future you communicate directly with the Boards of Supervisors, urging them to withhold any allowance to the Assessors for their services until they have made such a report as the law contemplates.

Very respectfully, etc.,

W. A. SELKIRK,
Ex-Recorder, and Clerk Board of Supervisors, Placer County

PLUMAS COUNTY.

WILLIAM W. KELLOGG.....County Assessor

OFFICE COUNTY ASSESSOR,
Quincy, November 18th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In conformity with the law, I herewith transmit the statistics of Plumas County, so far as I have been able to collect them, though I find it almost impossible to give them all correctly.

The mining and agricultural interests of this county are nearly equal. Most of the mining districts have been worked since eighteen hundred and fifty-one, and still the county is hardly prospected. A large number of rich and extensive quartz leads have been discovered the past season, and a number of mills are being built. At Round Valley alone, no less than twelve new mills are in process of construction. The Eureka Dis-

trict is one of the richest in the State. Several silver and copper leads have been found, and companies organized to prospect and work them. The placer and river mines are generally paying well. The hill diggings are very extensive, and a large amount of capital and labor is being expended upon them.

The agricultural district comprises American, Indian, Sierra, Humbug, Genessee, Honey Lake, Mohawk, and Long Valleys, and Big Meadows. Wheat, barley, oats, hay, and potatoes, are the staple products, and, after supplying our own market, a large surplus is shipped to the Washoe and Humboldt mines. An immense quantity of hay is cut in Mohawk and Sierra Valleys; the market is at Virginia City.

Great improvements are being made in roads throughout the county. A large share of the Humboldt and Washoe travel passes through Honey Lake and Beckworth's Pass.

Many of our citizens are planting orchards, and I doubt not that within two years enough fruit will be grown to furnish the county, without "hauling" from the lower valleys.

The damage done by the flood of last spring was great, but is mostly replaced, and much more substantial than before.

The assessed value of property is nearly three hundred thousand dollars (\$300,000) more than in eighteen hundred and sixty-one.

And, in conclusion, allow me to call your attention to the fact, that hardly a mile of our county boundary has been run or satisfactorily settled, and great inconvenience and much trouble is occasioned thereby. The line between Nevada and California has never been officially established, and Honey Lake and Long Valley claim at times (say "tax times,") to be in Nevada, and with Nevada claim to be in California.

The line between Sierra and this county has occasional much trouble and *costs* to the citizens of Sierra Valley, it having been assessed by Assessors of both counties, and some are paying taxes to one county, and some to the other, both claiming jurisdiction over the valley.

Hoping to be able by another year to furnish you a more minute table of statistics, I subscribe myself,

Yours respectfully,

WM. W. KELLOG,
Assessor Plumas County.

SAN JOAQUIN COUNTY.

J. M. LONG.....County Assessor.

OFFICE COUNTY ASSESSOR, }
Stockton, November 12, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General :

SIR:—In compliance with your circular and in conformity with law, I respectfully submit to you the following as my annual report :

The County of San Joaquin embraces one of the best agricultural districts of the State, and is admirably adapted from its location for those

facilities of commerce which are needed for bringing the productions of the soil to their proper market.

The City of Stockton, which is the chief commercial depot of the county, is situate on a slough connected with San Joaquin river, and daily navigation to and from San Francisco is open at all times.

TERMS OF COURTS.

District Court—Hon. C. M. Creanor, Judge; H. E. Hall, Clerk. Regular terms on the first Mondays of January, April, August, and December.

Court of Sessions—Hon. G. W. Tyler, Judge; B. G. Weir and R. K. Nobles, Associates; H. E. Hall, Clerk. Regular terms on first Monday in February, second Monday in May, and first Monday in October.

County Court—Hon. G. W. Tyler, Judge; H. E. Hall, Clerk. Regular terms on first Mondays of January, March, May, July, September, and November.

Probate Court—Hon. G. W. Tyler, Judge; H. E. Hall, Clerk. Regular terms on the fourth Monday of each month.

Board of Supervisors—Consists of M. Severy, John Twoky, and John Sandford. Regular terms on the first Mondays of February, May, August, and November.

COUNTY OFFICERS.

County Judge.....	G. W. Tyler.
Sheriff.....	T. R. Hook.
Clerk.....	H. E. Hall.
Recorder.....	R. E. Wilhoit.
Treasurer.....	Dr. J. M. Kelsey.
District Attorney.....	H. B. Underhill.
County Surveyor.....	G. E. Drew.
Assessor	J. M. Long.
Superintendent Public Instruction	C. Collins.
Public Administrator.....	A. Blake.
Coroner	M. H. Bond.

AGRICULTURE.

The natural advantages of this county in regard to its agriculture are great, but its practice, in my opinion, is not yet commensurate with what may be expected from the quality of the soil. In the vicinity of Stockton the soil is a fertile alluvium, generally rich in vegetable matter, and containing a liberal proportion of alkalies. In general, the excess of alkaline matter is deposited in combination with a portion of the siliceous and argillaceous matters of the alluvium in a hard pan, several feet below the surface, thus forming an inexhaustible supply of those matters which in most soils get worn out by cultivation, at all times within the reach of husbandmen, if necessary. In some few cases the vegetable mould is so thin as to give to the soil, in consequence of its substratum, the character of alkaline, but there is not much of this soil in the county, and it is to be presumed that by means of deep cultivation, and taking due care in draining off winter rains, which might otherwise stand upon it in pools, the evil might easily be overcome. On the Mokelumne, and in the vicinity of French Camp, the land varies somewhat from that found in the vicinity of Stockton, and on the Calaveras, a sandy loam being more gen-

erally prevalent. This soil is by no means a barren sand, as is found in the neighborhood of San Francisco, and in some other portions of the State. It contains much vegetable matter, and from its lying at a low elevation above the adjoining rivers or sloughs, is sufficiently supplied with moisture to grow the usual agricultural productions of the State in abundance. Should the cultivation of the sorghum or Chinese sugar cane, as it has been called, be undertaken in this county, there are, perhaps, no other soils on which it is likely to be successful. The soils around Stockton, and on the Calaveras, from their more tenacious character, and from their being rich in all the constituents of wheat, are especially adapted for the cultivation of that grain, and probably as fine samples are grown upon them as any other portion of the State, but it is doubtful whether the general mode of cultivation might not be improved. These lands are generally too flat and liable to be too wet in winter; as yet the plowing is frequently performed in rather a primitive manner, more regard being paid to having it done with as much expedition as possible, than to doing it in the best possible way; the advantage of less cost and labor in putting in the crop is thus overbalanced, in many cases, by the loss sustained from not making proper outlets for the water, or rains, or overflows, which loss might be prevented if the land were plowed in regular ridges with water furrows between. As I stated before, the natural advantages of the county are great, but the general farm management evidently admits of improvements. Both in town and country, the owners of real estate, in many cases, seem to have a disposition to wait, in the expectation that the value of their property will advance by and by, from the general advance of land, without the necessity of their being at much outlay for its improvement. We consequently find instances of farms of from one hundred and sixty to four hundred acres, and upwards, with one or two men at work upon them getting in as much grain as possible in any shape, and leaving the balance in its natural condition. A more perfect mode of cultivation of a less quantity of land would, in my opinion, be productive of better results, especially as this fine agricultural district might evidently maintain three times its present inhabitants in greater comfort than that of the present cultivators, and with at least proportionate profits.

FRUIT TREES AND VINES.

Around the City of Stockton, and on the various farms of the county, the cultivators of orchards and vineyards have made considerable progress. The land is admirably adapted for the purpose, as the fine specimens of fruits and grapes exhibited at our District Fairs testify. The cultivation of these orchards and vineyards also admits of much improvement; they are frequently so much incumbered with weeds as not to give the fruits a fair chance to reach the perfection which our soils and climate justify us in expecting, and which we find they are capable of producing when the soil is properly cultivated; hence we frequently hear outcries of the crops having been destroyed by insects, which have found a suitable place of deposit for their eggs among the weeds, or from diseases in the trees resulting from over wetness of the soil in winter, or imperfect cultivation.

LIVE STOCK.

The live stock of this county has very much improved within the last few years, in consequence, no doubt, of the impetus given to this branch

of husbandry by our District Fairs. We have some of the best Durhams and Devons in the State, and the propriety of breeding from them is now universally admitted; the consequence is, that crosses between them and the stock formerly in the county form almost exclusively the cattle stock of the county. The horses, hogs, sheep, and poultry have greatly improved by the same causes, and no one can say as regards its live stock, our county does not maintain a prominent position among the several counties of the State.

COMPILED STATISTICS.

The accompanying schedule shows the various agricultural products of the county; also its fruit trees and vines, live stock, etc., on examining which, it will be seen there is a considerable falling off in some instances from last year's report. There is little doubt that in consequence of the floods of last winter, much loss was sustained, and the statistics of produce are necessarily less. It is to be presumed that next year will exhibit the county in a condition superior to that of any one previous.

Hoping the report will meet with your approbation,

I remain your obedient servant,

J. M. LONG,
Assessor of San Joaquin County.

SAN LUIS OBISPO COUNTY.

VALENTIN GAJIOLA.....County Assessor.

OFFICE COUNTY ASSESSOR,
San Luis Obispo, Nov., 1862. }

Hon J. F. HOUGHTON,
Surveyor-General:

DEAR SIR:—In conformity with law, I have the honor to transmit the following, my annual report as Assessor of San Luis Obispo County:

FRUIT CULTURE.

The fruit culture is on the increase, but the value of all kinds is much less than in former years. The grape culture is improving yearly.

LIVE STOCK.

All kinds of live stock have depreciated in value about one half; yet many of the stock raisers, having seen the necessity of improving the quality of their stock, have introduced fine blood American stallions, bulls, and rams.

LANDS.

Land has depreciated in value one half from last year. This county being a stock-raising county, not much attention is paid to agriculture,

anything more than for domestic use; being so remote from market, it would not pay the farmer to send it to the city.

The importance of establishing more clearly the boundary line between this county and Monterey is very urgent. Owing to the difficulty of making the necessary assessment, very many persons in the vicinity of this line are not assessed at all, or state they have been assessed in Monterey County when the San Luis Obispo Assessor arrives to take the assessment, and they state the same to the Monterey Assessor; therefore, they are not assessed at all. I would recommend to have this line run before the time arrives to take the assessment for the year eighteen hundred and sixty-three.

VALUATION OF PROPERTY.

Comparing the value of property of the year eighteen hundred and sixty-one to the assessment of eighteen hundred and sixty-two, you will perceive there has been a great decrease in the valuation of all kinds of property :

<i>Valuation of Property for the Year 1861.</i>		
Real Estate.....	\$366,572 13	
Personal Property.....	438,433 00	
		\$805,005 13

<i>Valuation of Property for the Year 1862.</i>		
Real Estate.....	\$224,721 50	
Personal Property.....	278,021 06	
		\$512,742 56

TAXES FOR THE YEAR 1862.

Federal Tax on each \$100.....	\$ 15
State Tax on each \$100	62
<i>County :</i>	
General Fund, on each \$100.....	65
Sinking Fund on each \$100.....	1 00
Court House and Jail Fund on each \$100	50
Road Fund on each \$100....	25
School Fund on each \$100.....	25
Total Tax on each \$100.....	\$3 42

All of which is respectfully submitted.

VALENTIN GAJIOLA,
Assessor of San Luis Obispo County.

By BENJAMIN F. Hook, Deputy.

SAN MATEO COUNTY.

S. H. SNYDERCounty Assessor.

OFFICE COUNTY ASSESSOR,
Redwood City, Nov. 1st, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—I respectfully deliver you the report of the statistics of San Mateo County, which is as full and correct as I have been able to ascertain by diligent investigation of its productions and resources. This county is not chiefly an agricultural county. A great portion of its inhabitants are engaged in the manufacture of lumber, shingles, and cord wood. The principal productions of the county are wheat, barley, oats, and potatoes, of which the yield this year is about an average crop.

FRUIT.

There are but very few of the farmers that have raised any, as the orchards and trees are too young to bear. It is thought that certain portions of the county will be good fruit-growing soil.

In the way of improvements, we have twenty-two miles of railroad in progress, which will be completed the coming year.

The principal timber is oak and redwood, which is fast diminishing.

The number of acres of Swamp and Overflowed Land is supposed to be ten thousand.

Yours, &c.,

S. H. SNYDER,
Assessor of San Mateo County.

SANTA CRUZ COUNTY.

NELSON TAYLOR.....County Assessor.

OFFICE COUNTY ASSESSOR,
Santa Cruz, Nov. 11th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In conformity to law and in compliance with your circular, I herewith send the statistics of this county, as collected during the summer. Although not as full as could be desired, still it approximates somewhat near to facts—a great part of it being guess work.

Santa Cruz represents a variety of interests—agriculture, grazing, lumbering, tanning, paper making, lime, etc.—being well adapted to all of these interests. The blanks not calling for leather, lime, etc., I will here state there is five tanneries in this county. The statistics of three show the value of leather manufactured, seventy-five thousand dollars (\$75,000.) One was entirely swept off last winter, the value of which was not obtained. The floods of last winter were very severe, sweeping off several saw mills and materially injuring others. Three

steam saw mills are being built this summer. There are four lime kilns, two of which made sixty-five thousand barrels of lime the last year. There are other interests being prosecuted, and others in prospect, that will enhance the value of the productions of our county.

All of which is respectfully submitted.

Yours, &c.,

NELSON TAYLOR,
Assessor of Santa Cruz County.

SIERRA COUNTY.

A. MARMON.....County Assessor.

OFFICE COUNTY ASSESSOR,
Downieville, Dec. 4th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In compliance with law I have the honor to submit to you my annual report for the year eighteen hundred and sixty-two, as County Assessor of Sierra County. I find it almost impossible to comply strictly with the requirements of the law, but have done so to the best of my knowledge.

This county is a mining county, or principally so, and its population rather migratory for the steady advance of its resources. Notwithstanding the great floods of last December and January, which swept away many thousand dollars' worth of property in buildings, bridges, flumes, ditches, and numerous other improvements, there has been a steady development of the mineral resources, as well as permanence and interest attached to agricultural pursuits, which seems to overbalance the destruction caused by the floods, as the assessment roll of eighteen hundred and sixty-one and eighteen hundred and sixty-two will show. The latter year shows a gain over the former of eighty-three thousand and eight dollars and twenty-nine cents, (\$83,008 29,) and as the energy of our people is somewhat aroused in the more permanent advancement of the county's interests, good roads and trails are being built to all places of importance. And during the past summer two permanent bridges have been built: one across the Main Yuba at Downieville, and one across the North Fork of the North Yuba; and many other improvements which show progress. We feel assured, as we are gradually liquidating our county debt, that old Sierra is building from the bed rock.

QUARTZ MILLS.

In the way of quartz mills, we have eight in successful operation; assessed value, one hundred and ten thousand dollars, (\$110,000), crushing about twenty-eight thousand tons of rock annually, and extracting therefrom four hundred and fifty-one thousand dollars, (\$451,000.) But such sums have not been the happy results to all that have been engaged in this branch of mining. A number of quartz mills are now standing idle in the county, but many of them will be brought into operation when they come into the hands of men that have means, and will be made to yield a competence to the owners thereof.

SAW MILLS.

Saw mills, steam and water-power, are sixteen in number, valued at forty thousand two hundred dollars, (\$40,200), cutting, in the aggregate, about six million four hundred and ten thousand feet of lumber annually. The value of lumber on hand at these different mills is about one hundred and seven thousand five hundred and seventy dollars, (\$107,570,) with an abundance of timber to amply supply them for a number of years. The timber is generally of the pine species, such as sugar, spruce, and pitch pine, with an occasional oak, cedar, etc.

MINING DITCHES.

The total number of mining ditches is forty-five; valued at two hundred and seventy-three thousand nine hundred dollars, (\$273,900,) and about one hundred and forty-three miles in length, with a capacity of twenty-six thousand inches.

TURNPIKE ROADS.

There are three turnpike roads in the county, valued at thirty-one thousand dollars, (\$31,000,) fifty-eight miles in length, with a fair prospect of the Yuba Gap Road being completed through our county by June next.

FRUIT TREES.

Description.	Number.
Apple	1,625
Pear	406
Peach	2,400
Cherry	77
Quince	1,625
Almond	12
Plum	40
Nectarine	28
Apricot	72
Grape Vines	5,374

LIVE STOCK.

Description.	Number.
Horses	51
Mules	175
Cows	99
Calves	4
Beef Cattle	105
Sheep	16
Goats	9
Hogs	134

I would here add that the principal part of the live stock which is owned in this county was kept in Yuba County about seven months in the year, and is generally assessed in that county before the owners in this county bring them away, hence you see the poor showing in the way of live stock.

LAND.

We have about three hundred acres enclosed, and about one hundred and fifty acres under cultivation. All the cultivated land is in small parcels, where water can be had for irrigation. The lands have proved remunerative to the laborer.

All of which is respectfully submitted.

A. MARMON,
Assessor of Sierra County.

SISKIYOU COUNTY.

THOMAS O. ROURKE.....County Assessor.

OFFICE COUNTY ASSESSOR,
Yreka, Nov. 12th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—Agreeably to your request, and in compliance with the law, I beg leave to submit the following report for the year eighteen hundred and sixty-two:

REAL ESTATE.

Value of real estate and improvements.....	\$553,000	
Value of personal property	1,100,000	
Total value		\$1,653,000

LAND, RANCHES, ETC.

There are about fifty-three thousand acres of land under improvement, and the most of it enclosed with substantial fence. There are two hundred and ninety ranches, averaging a little over a quarter section to the ranch. There is very little, if any, land that would properly come under the head of Swamp and Overflowed Land.

TIMBER.

There is an inexhaustible quantity, and of every variety known to the mountains of California.

AGRICULTURAL STATISTICS.

Description.	Acres.	Bushels.
Wheat.....	3,900	175,000
Oats.....	2,180	63,000
Barley.....	1,800	54,000
Rye.....	40	1,000
Corn.....	150	6,000
Buckwheat.....	10	300
Peas.....	40	1,200
Beans.....	100	3,000
Potatoes.....	400	21,000
Alfalfa.....	250	.....
Hay.....	5,300	.....
Vegetables... ..	510	.....

Description.	Number.
Apple Trees.....	3,710
Peach Trees.....	1,805
Plum Trees.....	884
Cherry Trees.....	450
Nectarine Trees.....	83
Apricot Trees.....	42
Quince Trees.....	15
Grape Vines.....	4,100
Strawberry Vines.....	5,210
Raspberry Bushes.....	915
Gooseberry Bushes.....	450
Blackberry Bushes.....	913

Live Stock, Etc.	Number.
American Horses.....	927
Spanish and Indian Horses.....	1,548
Total number of Horses.....	2,475
Mules.....	715
Jacks.....	13
Jennets.....	10
Cows.....	2,830
Calves.....	1,810
Oxen.....	600
Stock Cattle.....	8,415
Sheep.....	1,913
Hogs.....	3,116

Live Stock, Etc.	Number.
Hens	23,010
Ducks	751
Geese	249
Turkeys	563

Stock Slaughtered.	Number.	Value.
Cattle	3,000	\$45,000
Sheep	1,000	2,400
Hogs	2,500	20,000
Calves	300	1,500
Total	6,800	\$68,900

There are eighty-five stands of Bees in the county, worth in the aggregate one thousand five hundred and fifty dollars (\$1,550.)

TOLL BRIDGES AND FERRIES.

Description.	Number.	Value.
Toll Bridge	1	\$1.500
Ferries	4	12.000
Total value	5	\$13.500

DITCHES AND CANALS.

Description.	Miles.	Value.
Shasta River Canal Company	80	\$10,500
Scott River Water and Mining Company	10	4,000
Cottonwood Mill and Mining Company	8	3,000
Altona Ditch Company	12	3,000
Oro Fino Ditch Company	13	4,000
Cottonwood and Rancheria Ditch	10	1,500
Greenhorn Ditch	5	1,000
Hawkinsville Ditch	5	800
Lower Cottonwood Ditch	4	500
Newell's Ditch	4	300
Siad Water Ditch	7	500
Evans' Ditch	3	400

Description.	Miles.	Value.
Mill Creek Ditch	4	400
Whiting's Ditch.....	5	700
Totals.....	170	\$30,600

QUARTZ MILLS, ETC.

There are six quartz mills in the county, and one only in operation at present. Our quartz leads have not been very remunerative, while our placer mines are not surpassed by the mines of any county in the State. There is one arastra in operation, making fair wages for its owners.

SAW MILLS.

There are fifteen saw mills in the county, worth in the aggregate, twenty-five thousand five hundred dollars, (\$25,500); they saw about twenty-five hundred thousand feet of lumber annually.

GRIST MILLS.

There are six grist mills in the county—four water, and two steam power—valued at twenty-one thousand five hundred dollars, (\$21,500.)

MISCELLANEOUS.

We have one iron foundry, which supplies all but the heavy castings for this county and southern Oregon. We have two salt springs just opened, yielding at present one hundred and fifty pounds per day. We have four breweries, two tanneries, and one gas factory.

CONCLUSION.

Siskiyou County has suffered from the floods full as much as any mountain county in the State, while her loss in population, owing to our proximity to the northern mines, has been far greater; full fifteen hundred have left this county the past year, taking property to the amount of three hundred thousand dollars, while our loss by flood, and the general depreciation of property, will reach two hundred and forty thousand more—making a total loss in property the past year of five hundred and forty-thousand dollars.

Respectfully submitted.

THOMAS O. ROURKE,
County Assessor.

SOLANO COUNTY.

CYRUS AYER.....County Assessor.

OFFICE COUNTY ASSESSOR,
Fairfield, Nov. 10th, 1862. }Hon. J. F. HOUGHTON,
Surveyor-General :

DEAR SIR:—Permit me to congratulate you on the honorable position you hold in a State that is the richest in the world. Richest in everything that goes to make a State great and its people happy. A State that has sprung from chaos (if you will allow me the expression) to be a monarch, in the short space of thirteen years. Then Cotton was called King. If it was King, it was of limited power, and had to submit to a mightier power, to the monarch of California, called Gold, whose power will be as unlimited in comparison to its present power, as are its resources now greater than they were thirteen years since. California is not confined to gold as a mineral, but she possesses all the various minerals necessary to make a nation great and happy.

But, Sir, great as are the mineral resources of California, they are as a drop compared to the ocean, as a grain of sand to the mountain, when compared to her agricultural department.

But pardon my digression, for on reflection you did not ask me for a dissertation on California in general, but for statistics of Solano county in particular. A very small part of the great State, in point of size, but as worthy of the name of California as any child was every worthy of the name of its noble sire.

Solano boasts not of mineral resources, but of agricultural and commercial advantages. If surpassed at all, it is only by a few of the many rich and prosperous counties of the State.

Solano is watered partly on the west by San Pablo Bay, and on the south by Suisun Bay and Sacramento river, making a navigable front of about eighty miles, besides many sloughs running into the country fifteen or twenty miles, which are navigable for steamboats and other vessels, of two hundred and fifty tons burden, enabling the farmer to get his produce to market at a trifling expense, besides causing many smart and thriving villages to spring up in every section of the county—villages producing institutions of learning that any old settled country might feel proud of.

Among the most thriving villages in the county are Vallejo, Benicia, Suisun, and Vacaville.

Vallejo is on the west of the county, and is a smart and thriving place, supported by as good an agricultural district as could be wished, and by the Government Works and Navy Yard, on Mare Island. Population, about one thousand five hundred.

Benicia, seven miles southeast of Vallejo, has a larger population, and is likewise in a thriving condition, and supporting no less than three private schools which would be a credit to any New England village. One of the schools is under the supervision and instruction of Miss Atkins—popularly known as the Benicia Female Seminary. It is one of the most popular and flourishing institutions of the kind in the State. The present number of pupils is about one hundred and twenty.

The Saint Catharine's Academy, a Catholic Institute, under the direc-

tion of Sister Mary Goemare, is in a prosperous condition, the pupils now in attendance numbering over one hundred and forty.

The Benicia Collegiate Institute, under the charge of C. J. Flatt, is for males only; the present number of pupils being about seventy-five.

The Pacific Mail Steamship Company's works are located here, where all repairs, etc., are made on the ocean steamers, employing a great number of the best workmen, mechanics, and engineers.

The United States Arsenal is also located at Benicia, and the soldiers and Government officers help to give life to the business of the town.

Suisun is in the Township of Suisun, so is Fairfield, both being almost the same as one village. They are at the head of navigation of Suisun slough, a branch of Suisun Bay, extending inland about twenty miles, and is navigable for vessels of one hundred tons burden. Commercially speaking, Suisun is one of the best locations in the county for business purposes. As an evidence of its prosperity, I will say it contains more substantial brick buildings than all the rest of the county besides, unless Government buildings. Amongst the best of these is the steam flouring mill of Marston & Stackman, that is kept running night and day, like its owners, who never sleep, but always buy the best wheat and make the best flour, it is said, in the State.

There are also a number of brick stores and shops in this place. The county buildings are also built of brick, and are said to be the finest in the State, and what is better, they are paid for.

As an evidence of the thrift of this village, I will say it has six sail vessels and one steamboat running to and from this place constantly.

Suisun has a back country of the richest fruit, vegetable, and grain lands, in the State, and is destined to be one of the most substantial villages in the county.

The next village is Vacaville, about eight miles from Suisun, inland. It is surrounded by a rich agricultural region, and being pleasantly situated in a healthy and beautiful valley of the Coast Range, it has been selected as the proper location for a College, which was established in eighteen hundred and sixty, and chartered in eighteen hundred and sixty-one. It has two large and well constructed brick buildings, and ten acres of land. There are five teachers and one hundred and sixteen pupils—seventy-five males, and forty-one females. The last examination satisfied all present that the association of the sexes in the same class contributed to the success of both, besides securing much better discipline. The course of study is extensive, embracing the "ornamental" as well as "useful" branches of liberal education. This institution is known as the Pacific Methodist College at Vacaville, and at present it is under the charge of Reverend W. T. Lucky, whom to know is a sufficient guaranty of its success. The appearances are that it is destined to be one of the most popular institutions of the kind in the State. It has an endowment fund of twenty thousand dollars, (\$20,000,) the interest of which, together with a small tuition fee, are sufficient to defray all expenses.

There are other small villages and shipping points well worthy of note, as they will soon be places of much importance, being so naturally located commercially that they will soon rival some of the older villages.

In point of soil, I think this county is not excelled by any in the State. Such a variety of soil, with its fertility, can hardly be found in California besides. The cereals are produced in as great abundance per acre as anywhere in the State. The average yield of wheat is about thirty-five

bushels per acre, although there are some fields which produce over sixty per acre.

Barley is not so extensively sown, but it is raised with but little labor, producing about forty bushels per acre on an average, many fields producing twice that. Corn is not much grown, except for green corn. Irish and sweet potatoes are grown in the greatest perfection and abundance. All the various vegetables that I ever saw in my life are produced in Solano County with the greatest ease and abundance imaginable.

As to the various kinds of fruit, I will say that I think we can beat any part of California. I believe there is no place in the State where fruit and vegetables can be produced earlier than in some of the valleys of this county. I tried to obtain the amount of fruit and vegetables shipped from here annually, but could not get a very correct account; but it is not far from three hundred thousand dollars (\$300,000) per annum. All kinds of fruit grow in the greatest perfection. Figs produce two crops per year.

Wine making is beginning to attract attention, and soon the county will produce wine for export, and what is singular, it is said that the wine made here is better than that made in any other place in the State. I do not know whether the excellence exists in the soil or in the manufacture.

About one fourth of the land of this county is hill land, lying in the northwest part of the county, containing the principal timber district, which consists of oak, and is of no account only for fire wood. About one half is valley land, lying between the hills and the sloughs, which is the principal grain land, although some of the rolling lands, and even hill lands, produce excellent crops of grain.

The people are generally turning their attention to agricultural and horticultural pursuits, believing it the surest road to wealth and happiness.

There is plenty of Government land yet that will make splendid farms. The plains have been thought to be of little value in years gone by, but they are now taken up, fenced, and nice houses and outbuildings put on them, with as nice gardens and front yards, filled with ornamental trees and shrubs, with vines and flowers of every variety.

Crops of grain have been raised on these lands that really astonished those who made the experiment.

I say we have no poor land in Solano County, and I think time and experiment will prove the assertion. The last one fourth is the tule land, which is the part bordering on the river and Bay, (and was thought to be a useless waste of God Almighty in making it,) has been taken up and cultivated with success—and it is found to be the best land on the globe, and has fully demonstrated that the Creator understood his business.

The cry was this spring that "tule land is a failure," and many abandoned their claims on account of the floods of last winter, very unceremoniously, protesting against all tule lands, and declaring an eternal evacuation for all time to come. The calm and thoughtful, who always succeed in life, have remained in the enjoyment of their lands, and find what many call ruin and destruction was only one of the greatest blessings that Heaven could bestow, by raising the whole surface from one inch to six feet, making in some cases from fifty to sixty acres of dry land where there was nothing but tule; and on other ranches, filling

up holes of from one to ten acres in the centre of a man's farm. If these new-made lands are not a blessing, what would be? Yes, Sir, they are a blessing; and I say the county is worth more to-day than it was before the flood, although some men were ruined by it. Yet, let me say, there are some of the prettiest farms in the tule that can be found in California, and no better land can be found anywhere.

If a canal was cut from Knight's Landing, in Yolo County, to Nurse's Landing, in Solano County, (which is eight miles from Suisun City,) it would forever prevent such an overflow as was experienced last winter. I believe it is the opinion of most tule men that it is the only thing that will be of much value to the tule. So let me say, if the State would take hold of the project, and work its criminals to dig such a canal, it would not only reclaim the tule lands of Solano, but also of Yolo, and Sacramento County and City would be greatly relieved from so great a surplus of water as they had last winter. You may think that I am chimerical, but let me say that whenever there is a Legislature that cares one groat about doing any thing for the benefit of the State at large and the tule bordering on the Sacramento River, *that* is what will be done. If the Legislature could but see what the tule is capable of doing for the country, and what it has already done, they would do something besides squander the funds of the State.

Allow me to say a few words in respect to roads, although it is not much to the credit of the county to say much about them. Suffice it to say that when the present able Board of Supervisors commenced their term of office, there was scarcely such a thing as a regularly laid out road in the county. They have taken the responsibility like men, and laid out roads and built bridges all through the county, much to the convenience of man and also of horses. I think if they could retain their offices a few years more, our roads would be a credit to the county, and our present indebtedness much less than at present.

Government lands are fast being taken up by substantial settlers, who are fencing and improving the country, and it really makes one feel proud to think that he lives in a land of such prosperity.

Fine horses and fine implements of husbandry are the order of the day. The stock of horses, cattle, and sheep, are not behind in the progress of improvement. To look at the fine imported stock, shows that we are not behind the other counties of the State in that respect. As an evidence of what I say, I would refer you to the list of premiums awarded to the citizens of Solano County. You may look at all the industrial interests of the county, and prosperity is the order of the day. It is to be seen at every turn of the eye.

We have two newspapers, which are published at Suisun City. They are well supported, and will compare favorably with any in the State so far as ability to edit the same is concerned.

In assessing the property on the Solano and Napa line, I found that the people were unable to tell whether they lived in Solano or Napa. Now, Sir, I am told that the Napa folks have had different surveys, and every time they make a new survey, they take a slice from Solano. I do not know the truth about it, but for fear they might look upon Vallejo, Benicia, and perhaps on Suisun, with their filibustering eyes, and some time find a pliant Legislature to second their rapacity, I would advise and recommend, for the good and safety of Solano County, (if it is desirable to have any county by that name,) to drive them back a few miles, where they belong, and have the boundary defined, that a stop be put to such filibustering, and enable the Assessor to find where his county lines are.

You will see by the statistics I send you that our assessment is much larger than last year. Now, since our county lost by the flood of last winter to the extent of one half of our stock, and as the tract of land about Benicia and Vallejo, together with the Suscol Rancho, has been declared United States Government land, I was obliged to make a light assessment in comparison with former assessments, which, together with the loss of stock, must have been half a million at least. I must say I am astonished to see the assessment so large as it is, for I assure you I have invariably assessed property lower than formerly assessed.

For fear I am burdening your patience in my lengthy report, let me say, notwithstanding the Government under which we live and are willing to fight for is distracted, and being impoverished by a desolating rebellion, we of Solano were never more at our ease, never more comfortable, prosperous, and happy.

CYRUS AYER,
County Assessor.

TEHAMA COUNTY.

SAMUEL ENGLISHCounty Assessor.

OFFICE COUNTY ASSESSOR,
Tehama County, Nov. 13th, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In accordance with my duty, as prescribed by law, I herewith enclose to you the report of my labors as Assessor for the fiscal year eighteen hundred and sixty-two. I much regret that it is not in my power to furnish you with as complete a report as your blanks would indicate necessary, but the cause was such as I could not possibly control, and hence must of necessity send it in its incomplete state.

Without entering into detail, I refer you to the schedule enclosed, as showing an approximately true list of the wealth and resources of this county; and in doing so I cannot refrain from calling your attention to the fact that, within the boundaries of this county, and occupied by actual settlers, there are in the vicinity of from twenty-five to fifty thousand acres of unsurveyed land enclosed, partially cultivated, and to a large extent improved, and on which there is not one dollar of taxes can be levied. From such a state of facts you will at once see that not only our county, but the State also, is greatly the loser thereby.

By a late law of Congress, passed, I believe, last winter, the whole matter is left in the hands of the United States Surveyor-General for this State, and I am strongly inclined to think, were the matter brought to his notice in the proper manner, a large portion of this land, if not all, might be made to yield a handsome revenue to the county, State, and the General Government.

In this county there are five whole, and four fractional parts of grants, embracing in the aggregate, seventy-seven thousand seven hundred and forty-eight acres of land. Outside the lines of and adjoining these grants, are all fractions of land which have never been surveyed, and consequently are not in market; of course the settlers can have no other title than that of mere possession. Could this land be surveyed and thrown open to legal location, I am satisfied the balance in favor of both county and State would be largely increased.

In addition to the above, we have the Nome Lackee Indian Reservation, supposed to contain two thousand five hundred acres of land. At this time it is only nominally a reservation. The buildings and improvements are in ruins, and were it not for the presence of a few miserable Indians, who, from affection, still frequent the hunting grounds of their fathers, and glean a scanty subsistence therefrom, would be entirely deserted. Were this fair tract of land, (the finest in the upper Sacramento Valley,) and the fractions outside of its boundaries, secured to actual settlers, we might flatter ourselves that but few counties in our Golden State could outstrip in the march to wealth that which lies near the navigable head of the Sacramento.

Since the report of my predecessor, our Senator, J. G. Doll, Esq., has secured a franchise from the Legislature, to construct a turnpike road from the Town of Red Bluff to Honey Lake Valley, but as yet, little or no action has been taken in the premises. The importance of the road to the interests of the whole county, no one undervalues—it is only the money that is wanting, and which the friends of the enterprise are afraid cannot be raised in time to do any good this season. The subject, however, is agitated, and I think will not be laid until we have a road leading to the untold wealth of the eastern mountains.

In regard to industrial enterprises, I may mention that, in connection with four or five of the finest grist mills in the State, there is a project on foot to introduce a woollen mill into the county. A company from San Francisco have recently purchased the large grant until recently owned by J. F. Dye, containing some one thousand seven hundred acres, and they intend to convert a fine grist mill already on the premises into a mill of the above description. I need scarcely say that the benefits likely to arise therefrom to wool-growers in this county can scarcely be overestimated.

Regarding agricultural products, I have only to say that whatever can be raised elsewhere in the State can also be raised with us. Cotton, to a small extent, and simply as an experiment, has been tried, and proved successful. Tobacco is indigenous to the soil, and whenever the tame seed has been planted, and even the most ordinary attention given to it, it has proved a bountiful crop.

With regard to wine, I would say that last year there were manufactured about fifteen hundred gallons from grapes grown in this county, which was pronounced by judges to be a very superior article.

Thousands of gallons of brandy might be manufactured from the wild grape, which grows very plentifully along the water courses in this section, but as yet no one has turned their attention in that direction.

As a wool growing county, taking into consideration the small extent of it compared with others, we believe it will vie with any other in the State. It is worth while to remark that in the future this branch of industry promises to be the most lucrative of any other in our midst.

In conclusion, I would remark that as regards fine horse stock, Tehama County is behind no other in the State. Of late years special attention has been given the subject, and the result is she can now produce as fine animals as can be found, I believe, on the American continent.

Regretting that time will not permit me to enlarge further, and hoping this will meet your approbation, I herewith submit the same.

SAMUEL ENGLISH,

Assessor of Tehama County.

TRINITY COUNTY.

G. F. MIERS.....County Assessor.

OFFICE COUNTY ASSESSOR,
Weaverville, November 7th, 1862. }HON. J. F. HOUGHTON,
Surveyor-General:

SIR:—In accordance with the laws of the State respecting the duties of County Assessors, I herewith transmit my report for the current year. It is not as full as I could wish, owing to the migratory character of our inhabitants, and to the fact that our agricultural operations are so limited, (being confined to small valleys and benches on the creeks and rivers,) the county being decidedly mineral, that it is impossible to arrive at anything like a correct estimate of the agricultural productions of the county. There is, however, a falling off since the last year, a good deal of our arable land having been destroyed by the high waters of last winter.

Our fruit crop is abundant, but of an inferior quality, the climate in a large portion of the county being unfavorable to the production of fine fruit.

Our mines, comprising surface, hill, and river diggings, are as extensive, and, with the exception of the river mining, in as flourishing condition as in previous years. The latter suffered severely from last winter's freshets, almost every wheel, flume, and ditch, having been destroyed, and the miners have not fully recovered from their losses. This, with the destruction of the numerous bridges over Trinity river, will account for the falling off in the amount of our taxable property, none of the bridges being completed in season for this assessment.

We are well supplied with the timber usually found throughout the State.

We have made some improvement both in the quality and number of our roads, having constructed two roads by private enterprise, one from Weaverville to Trinity Centre, a distance of twenty-nine miles, connecting at the latter place with the road from Shasta to Yreka; also, one from Lewiston, at the mouth of Rush creek, to Weaverville, a distance of twelve miles.

We have six schools, which will compare favorably with other country schools throughout the State.

For full particulars please refer to schedule enclosed.

All of which is respectfully submitted.

G. F. MIERS,
Assessor of Trinity County.

YOLO COUNTY.

G. J. OVERSHINERCounty Assessor.

OFFICE COUNTY ASSESSOR,

Woodland, Nov. 1st, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In compliance with the law, and in conformity to the custom of my predecessors, I would most respectfully transmit the enclosed copy of the statement of the condition of the resources and improvements of Yolo County, and if it is not as elaborate and complete as could be desired, it will serve as a slight index to form a judgment upon, and is as full and complete as the materials at hand will admit.

Yolo County, lying in the heart of the great Sacramento Valley, and watered so bountifully by the Sacramento river and Cache and Putah creeks, presents one of the most desirable locations for the agriculturist or grazer within the State. The land lying contiguous to the streams has been so favorably disposed by the hand of nature that the greater portion of the arable land in the county is susceptible of irrigation, so that farmers, if they choose, can by a slight outlay render the condition of their crops wholly independent of the rains. This is a consummation much to be desired. Owing to the peculiar geographical position of this county it has suffered more from drought in former years than perhaps any other portion of Sacramento Valley. But the advantages and benefits of irrigation are becoming so prominent where it has been tested, that we may safely look forward to the time, not far distant, when all, or nearly all, the land lying between the foot hills and tule, will bloom and blossom under the influence of irrigation, when directed by the hand of the skillful agriculturist.

The *incubus* of Spanish grants has much retarded the progress and development of this county, but within the past year the tract claimed under the title of the "Rancho de Carmel," or "Knight," comprising eleven leagues, and covering the flourishing village of Knights Landing, has been rejected by the United States Supreme Court, thereby rescuing a large and valuable tract of land from the grasp of iniquity, and devoting it to the happy and prosperous homes of *freemen*.

The grant entitled the "Laguna de Santos Calla," lying on the north side of Putah creek, comprising ten leagues, may be considered virtually abandoned, and improvements permanent and valuable are being erected by the settlers located thereon.

The titles to the other grants are either finally confirmed, or considered so secure that litigation concerning them has ceased, or nearly so; so that we can now look forward to the rapid development of all the agricultural resources of Yolo County. Her soil yields bountifully to the hand of industry, not only of the great staple productions, but "luscious Nature" has spread, with no stinted hand, *all* of the luxuries that spring from her bosom.

According to the statistics, we have:

LAND UNDER CULTIVATION.

Description.	Acres.
Land enclosed.....	110,000
Land cultivated.....	50,976
Wheat.....	25,000
Barley.....	16,000
Rye.....	75
Corn.....	150
Peas.....	50
Beans.....	25
Potatoes.....	350
Sweet Potatoes.....	110
Onions.....	30
Tobacco.....	7
Sugar Cane.....	40
Land cultivated in Fruit Trees and Vines, about.....	10,000

FRUIT TREES.

Of the number of fruit trees in this county, you will find a large falling off from the figures of last year, owing to the great destruction to that branch of agriculture from the floods of last winter. We have as follows :

Description.	Number.
Apple.....	31,400
Peach.....	88,500
Pear.....	13,300
Plum.....	9,500
Cherry.....	2,264
Nectarine.....	20,000
Quince.....	1,810
Apricot.....	4,808
Fig.....	500

VINES.

The vine growing interest is much increased from that of last year, and bids fair to become one of the first importance. We have :

Description.	Number.
Grape.....	234,430
Strawberry.....	10,000
Gooseberry.....	4,876
Raspberry.....	3,280

Of farm products, we have:

Wheat, bushels	750,000
Barley, bushels.....	560,000
Rye, bushels.....	3,000
Corn, bushels.....	6,000
Peas, bushels	2,500
Beans, bushels	802
Potatoes, bushels	100,000
Onions, bushels.....	6,000
Tobacco, pounds	5,500
Sugar Cane Syrup, gallons.....	6,000
Wine, gallons.....	600
Brandy, gallons.....	700

Thus will be seen, at a glance, the returns of the husbandman are no meagre quantities, but richly and lavishly is he remunerated.

MINERAL LANDS AND TIMBER.

Yolo is properly classed as an agricultural county, but the rich discoveries of quicksilver in the western part give indications of great mineral wealth yet to be developed. The timber is fit for nothing but fuel, and, with the exceptions of a part of the land watered by Cache creek, and that lying in the Coast Range, it is almost destitute of timber.

IMPROVEMENTS.

The educational and religious interests are assuming a rank that will place them beside those of more favored communities. There are twenty-three Public School houses in the county, many of them being built of brick, and furnished with a strict regard to the comfort and happiness of their occupants. The Hesperian College, located at Woodland, and now nearly completed, is an elegant brick structure, forty by sixty, three stories high, and capable of accomodating two hundred and fifty or three hundred students. It will cost, when completed, nearly twenty thousand dollars, and stands as an honorable testimony to the intelligence and enterprise of the surrounding country.

Our county seat has been permanently located at Woodland, near the centre of the county, and since its location a flourishing village is springing up at this place, and evidences of improvement and prosperity greet the eye on every hand.

The Marysville and Benecia Railroad is graded through the centre of the county, but remains in statu quo, owing to the disorganized condition of affairs on our eastern shores.

There are three grist mills and one saw mill in this county: one located at Knight's Landing, owned by Mr. Gardner; one near Woodland, owned by Mr. Cook; and one at Woodland, owned by Gurlock & Freeman. The first two have been doing a good business. The one at Woodland is just completed, and will prove a valuable acquisition to the people of Yolo County. The saw mill is owned by Messrs. L. S. Hunt & Co., of Washington, and has been doing a very extensive business, but owing to the

heavy losses of lumber during the floods, they were prevented making as lengthy a run as they would otherwise have done.

The Cacheville Agricultural Ditch is fully realizing the expectations of its projectors. This ditch is five and a half miles long, twenty feet wide, and six feet deep, and was constructed at a cost of twenty thousand dollars (\$20,000.) Gardens, orchards, and vineyards are being located in the vicinity of its branches, ornamenting and improving the surrounding country. The water works of Messrs. Hunt & Co., attached to their mill in Washington, has added much to that establishment. They have laid about two thousand feet of pipe, at a cost of three thousand dollars.

There are three distilleries, capable of distilling from one hundred to one hundred and fifty gallons per day. Two of them are located in the vicinity of Cache creek.

LIVE STOCK.

Owing to the severity of the winter, the heavy losses of cattle will greatly diminish the number reported last year. We report as follows :

Description.	Number.
Horses.....	4,806
Mules.....	392
Asses.....	7
Cattle.....	13,460
Sheep.....	46,800
Hogs	14,800

While the number of our herds are decreasing, it is gratifying that they are improving greatly in quality. The uncouth Spanish horse is disappearing before the noble specimens of improved blood, and the wild cattle are giving place to the Durham and Devon.

ASSESSED VALUATION FOR EIGHTEEN HUNDRED AND SIXTY-TWO.

Total assessed valuation of all species of property, for the present year.....	\$2,322,975 00
Total taxes assessed on all property in the county.....	38,793 70

Notwithstanding the great destruction to all kinds of property during the past winter, the assessed valuation shows a large increase over that of last year, speaking loudly in favor of the general prosperity of this county.

Total assessed valuation for eighteen hundred and sixty-two.....	\$2,322,975
Total assessed valuation for eighteen hundred and sixty-one	2,156,482
Increase for eighteen hundred and sixty-two.....	\$166,493
Losses sustained by this county during last winter may safely be estimated at.....	200,000
Real increase during one year.....	\$366,493

TAXES.

State tax on each \$100.....	\$ 62	
County tax on each \$100	45	
Road tax on each \$100.....	15	
School tax on each \$100	15	
Hospital tax on each \$100.....	15	
National tax on each \$100.....	15	
Total tax on each \$100		\$1 67

In conclusion I would refer you to the County Surveyor's report respecting the tule lands of the county, the benefits of their reclamation, etc., of the streams that water the county, and other topographical features that will come more immediately under his department of labor. Enclosed you will find my statistical tables, and although deficient in many things that I desired, I trust it will serve the end intended, and receive your approbation.

With high esteem,

I remain yours respectfully.

G. J. OVERSHINER,
County Assessor.

YUBA COUNTY.

T. J. SHERWOODCounty Assessor.

OFFICE COUNTY ASSESSOR. }
Marysville, November, 1862. }

Hon. J. F. HOUGHTON,
Surveyor-General:

SIR:—In compliance with your request and with the law, I have the honor to submit my report for the current year. I find it almost impossible to comply strictly with the requirements of the law, but have done so to the best of my ability:

Number of square miles in Yuba County.....	616
Population of County in 1860.....	14,000
Number of voters in 1861.....	4,298
Number of voters in 1862.....	3,365
Assessed valuation of Real Estate.....	\$1,221,272 00
Assessed valuation of Improvements.....	1,512,091 00
Assessed valuation of Personal Property.....	2,289,061 00
Total assessed valuation of property.. ...	\$5,022,424 00
Total amount of Taxes on same.....	134,627 47
Total assessed value of property, 1861.....	\$6,187,773 00
Thus showing the assessed value of property for the present year to be (less than last year)....	\$1,165,349 00

Which is accounted for in the following manner: Eighty-four head of horses, two thousand three hundred and fifty head of cattle, eight thousand four hundred and thirty-eight head of sheep, eight hundred and thirty-four head of hogs, and one hundred and fourteen stands of bees, were lost during the floods of last winter. Also, several mining ditches, and several bridges, were taken off by the same cause. Then, there is a great depreciation in the value of lands along the Feather and Yuba rivers. Among the fine farms which have been almost entirely destroyed, there are those of C. L. Low, J. C. Fall, C. H. Hedges, C. Covillaud, N. Wescoatt, J. H. Ramirez, G. Woodward, Mrs. H. P. Haun, Mrs. C. Kimmerling, William McCullough, Dr. Teegarden, S. P. Pomyea, G. G. Briggs, and a great many others, too numerous to mention, all of which were damaged more or less by the floods of last winter; and it will be remembered that on the ninth day of December, eighteen hundred and sixty-one, the Merchants' Hotel, and other buildings near it, fell down from the effects of the high water. In February, before I had commenced assessing, a petition was circulated in the City of Marysville, and signed by a large number of the tax payers of the city, which petition was laid before the Board of Supervisors, praying for them to so fix the rates of taxation that their property should be assessed at its actual cash value, (it having been assessed heretofore at what they termed a fictitious valuation). The Supervisors called my attention to the petition, and requested me to comply with the same as near as I could and comply with the law, which I did to the best of my abilities. And after making the assessment on the city property, I find, from a close comparison, that there is a deduction from last year on real estate and improvements of five hundred and forty-eight thousand three hundred and eighty-four dollars, (\$548,384,) and yet I think that property in the city is assessed at as much as it is worth.

You will also see from the following report, the number of Poll Taxes collected up to November first:

State Poll Taxes.....2,535 amounting to.....	\$5,684
Federal Poll Taxes...2,582 amounting to.....	5,164
There were collected last year of State Poll Taxes, 1,517, amounting to.....	3,034
Showing an increase over last year of.....	2,650

And there will undoubtedly be some two hundred or more collected yet this year.

Enclosed you will please find schedule of statistics.

All of which is respectfully submitted.

T. J. SHERWOOD,
Assessor of Yuba County.

TWELFTH ANNUAL REPORT
OF THE
STATE SUPERINTENDENT
OF
PUBLIC INSTRUCTION.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

TO THE HONORABLE THE SENATE AND ASSEMBLY
OF THE STATE OF CALIFORNIA:

The Superintendent of Public Instruction has the honor to submit the Twelfth Annual Report from the Department of Instruction, as required by the Act of May third, eighteen hundred and fifty-five.

Respectfully,

ANDREW J. MOULDER,
Superintendent of Public Instruction.



R E P O R T.

A review of the progress of our Schools, and of the improvements introduced into our system of Public School education during the past six years, for which period the present Superintendent has had charge of the Department of Instruction, exhibits some striking and gratifying results.

Our population has largely increased, and with it has increased, in a much larger ratio, the number of schoolable children, *i. e.*, the number of children between four and eighteen years of age.

Number of children (4 to 18) reported by census, January 1st, 1857	29,018
Number of children (4 to 18) reported by census, January 1st, 1863	72,821
Increase in six years.....	43,803

Prior to eighteen hundred and fifty-seven, no census was taken of the total number of children of all ages (under twenty-one) in the State. Since that time, under instructions from this Department, such a census has been regularly taken. From the best information available, we may estimate the total number of children of all ages in the State :

January 1st, 1857.....	40,000
Total number reported by census, January 1st, 1863 ...	114,668
Increase,.....	74,668

Since eighteen hundred and fifty-seven, the State Superintendent has ordered a census of all the children born in California, to be taken.

From the data in our possession, it is certain this number did not, in 1857, exceed	20,000
Number of children born in California reported by census, January 1st, 1863.....	70,734
Increase in six years.....	50,734

These figures give us an approximation to the addition made to our population during the last six years, by the natural increase.

The following table shows, at a glance, the increase from year to year, in the number of children born in California:

The number on the first of January, 1859, was.....	33,546
The number on the first of January, 1860, was.....	41,450
The number on the first of January, 1861, was.....	51,361
The number on the first of January, 1862, was.....	59,644
The number on the first of January, 1863, was.....	70,734

It was before shown that the number of schoolable children had increased about two and a half fold during the past six years. It is gratifying to report that the number of Public Schools has increased in about the same ratio, in the same time.

The number of Public Schools in 1857, was.....	316
The number of Public Schools, January 1st, 1863, was.	715
Increase	399

The returns exhibit a corresponding increase in the number of Teachers employed in the Public Schools:

In 1856, the number was.....	411
In 1862, the number was.....	962
Increase	551

The number of children attending Public Schools in 1857, was..	17,232
The number of children attending Public Schools in 1862, was..	36,566
Increase	19,334

During the past six years about four hundred School-houses have been built. Many of them are handsome, spacious buildings, provided with all the modern improvements.

Increased attention has been paid to the subject of school architecture, but there are still many rude structures occupied as School-houses which are unfit for the habitation of civilized children.

Many improvements have been made in our School system—many valuable features engrafted upon it. Among them may be specified the power conferred upon Trusees to call an election, in certain cases, and submit the question of a District tax to the electors, to pay the expense of an additional term of their School; the provision made for procuring the funds necessary to erect and equip School-houses; the provision relieving the School Fund from the payment of the per centage of County Treasurers, the salaries of County Superintendents and Census Marshals; the increase of the maximum tax that the counties may impose for the support of Schools, from ten to twenty-five cents on each one hundred dollars of valuation; the prohibition against the contracting of debts by the Schools, and the consequent strict adherence to a cash basis in all their operations; the organization of State and County Boards of Examination; the establishment of State and County Teachers' Institutes; the successful establishment of a State Normal School; the excellent provisions for the sale of the unsold portion of the five hundred thousand acres of land belonging to the Schools; and, finally, the consolidation of the funds arising from the sale of the sixteenth and thirty-sixth sections into a General Fund for the equal benefit of all the schoolable children of the State.

A comparison of the returns made to the State Superintendent at the close of the year eighteen hundred and sixty-two, with those of the preceding year, shows the following result :

Number of School Districts.....	630
Number last year.....	608
Gain	22
<hr/>	
Number of children under twenty-one years.....	114,668
Number last year.....	107,637
Gain	7,031
<hr/>	
Number of children between four and eighteen years :	
Boys	37,310
Girls	35,511
	72,821
Number last year.....	68,395
Gain	4,426

Children under four years of age.....	38,127
Number last year	35,334
Gain	2,793

Youths. between eighteen and twenty-one years of age.....	3,720
Number last year	3,908
Decrease	188

Children of all ages (under twenty-one) born in California.....	70,734
Number last year.....	59,644
Gain	11,090

Number of deaf and dumb	94
Number last year	72
Increase	22

Number of blind.....	95
Number last year.....	50
Increase	45

Number of children attending Schools (Public)	36,566
Number last year	31,786
Increase.....	4,780

Number of boys taught during the year in the Public Schools...	20,092
Number last year	17,512
Increase	2,580

Number of girls taught during the year in the Public Schools...	16,474
Number last year	14,274
Increase	2,200

Total number of children attending Schools, (Public and Private).....	43,452
Number last year	38,092
Increase	5,360

Daily average attendance in the Public Schools	19,262
Daily average last year	17,804
Increase	1,458

Children attending Private Schools	6,886
Number last year	6,306
Increase	580

Number of Public Schools	715
Number last year	684
Increase	31

Number of Private Schools.....	219
Number last year.....	208
Increase.....	11

Number of schools in the State (Public and Private).....	934
Number reported last year.....	892
Increase.....	42

Number of School Houses built of wood.....	629
Number last year.....	577
Increase.....	52
Number of School Houses built of brick.....	31
Number last year.....	28
Increase.....	3
Number of School Houses built of adobe.....	11
Number last year.....	15
Decrease.....	4

Number of months during which Schools were kept open :

Period.	1861.	1862.	Increase or Decrease.
For three months.....	127	152	Increase.....25
Over three and less than six months..	205	215	Increase.....15
Six months.....	72	90	Increase.....18
Over six and less than nine months...	122	110	Decrease.....12
Nine months and over.....	144	135	Decrease..... 9

Average duration of School sessions, months.....	5 4-5
Last year, months.....	6
Decrease, months.....	1-5

Average salary per month paid Teachers.....	\$60 53
Average salary last year.....	62 35
Decrease.....	\$1 82

Size of Schools.	1861.	1862.	Increase or Decrease.
Less than twenty-five pupils.....	246	245	Decrease..... 1
Over twenty-five and less than fifty pupils.....	262	286	Increase.....24
Over fifty and less than one hundred pupils.....	123	131	Increase..... 8
Over one hundred and less than two hundred pupils.....	23	36	Increase.....13
Over two hundred pupils.....	20	17	Decrease..... 3

Number of Teachers.....	962
Number of Teachers last year.....	932
Increase.....	30
Number of male Teachers.....	552
Number of male Teachers last year.....	552
Number of female Teachers.....	410
Number of female Teachers last year.....	380
Increase.....	30

How many design to make teaching a permanent profession....	393
Number last year.....	396
Decrease.....	3

Teachers' experience, years....	4 3-4
Teachers' experience last year.....	

Average age of Teachers, years	28 3-4
Average age of Teachers last year.....	28 1-2
Increase.....	1-4

Grade of Schools.	1861.	1862.	Increase or Decrease.
Number of Primary Schools.....	321	310	Decrease.....11
Number of Mixed Schools.	292	304	Increase.....12
Number of Intermediate Schools.....	31	35	Increase..... 4
Number of Grammar Schools.....	28	47	Increase..... 9
Number of High Schools	2	2	.....

Valuation of School-houses and furniture.....	\$579,283 07
Valuation, last year.....	636,418 68
Decrease.....	\$57,135 61

School money from the State.....	\$75,412 29
School money from the State last year.....	81,461 34
Decrease	\$6,049 05
But there is still due for the year.....	17,147 20
The increase should be.....	\$11,098 15

Amount received from County Taxes.....	\$142,324 19
Amount received, last year	241,882 85
Decrease	\$99,558 66

Amount raised by Taxes, Rate-Bills, Private Subscription, etc	\$274,291 35
Amount raised, last year	165,613 02
Increase	108,678 33

Total Receipts from all sources	\$497,148 82
Total Receipts, last year	486,272 64
Increase	\$10,876 18

Total paid for Teachers' salaries	\$330,249 02
Total paid, last year	311,501 91
Increase	\$18,747 11

Paid for Erection and Repairs of School-houses	\$49,274 62
Paid, last year	101,818 38
Decrease	\$52,543 76

Paid for libraries and apparatus	\$2,225 57
Paid, last year	2,299 28
Decrease	\$73 71

Paid for all other purposes	\$59,479 76
Paid, last year	46,721 39
Increase	\$12,758 37

Total amount of Expenditures for School purposes.....	\$441,228 97
Total amount, last year.....	470,113 56
Decrease.....	\$28,884 59

SCHOOL LANDS AND THE SCHOOL FUND.

By Act of September fourth, eighteen hundred and forty-one, Congress granted to each State, upon its admission into the Union, five hundred thousand acres of land, for purposes of internal improvement. The framers of our State Constitution wisely devoted the five hundred thousand acres thus granted to California to the support of Public Schools. At an early date steps were taken by our Legislature to make these lands available.

On the third of May, eighteen hundred and fifty-two, an Act was passed providing for their sale.

Under that Act, the Governor was authorized to issue, and the Treasurer to sell, School Land Warrants, to the amount of five hundred thousand acres, at two dollars (\$2) per acre.

Payment was to be made in coin, in State scrip, or Controller's warrants drawn upon the General Fund, or bonds of the civil debt of the State, and the Treasurer was directed "to convert all lawful moneys of the United States, and all State three per cent bonds, or Controller's warrants, so received by him, into bonds of the civil funded debt of the State, bearing seven per cent interest per annum, and to keep such bonds as a special deposit in his custody, marked 'School Fund,' to the credit of said School Fund."

Under the operation of this law, two hundred and thirty-seven thousand seven hundred and sixty acres of land were sold, up to May first, eighteen hundred and fifty-eight, for four hundred and seventy-five thousand five hundred and twenty dollars, (\$475,520), which amount should have been converted into seven per cent bonds, and placed to the credit of the School Fund.

But neither this amount, nor any part of it, has ever been so converted, and there are no seven per cent bonds derived from the proceeds of the sales of these School Land Warrants "kept as a special deposit in the Treasurer's custody, marked 'School Fund.'"

In practice, it was found that purchasers paid for these lands in depreciated scrip, or Controller's warrants. No payments were made in cash. The scrip paid in was cancelled, and to this extent the School Fund was used by the State to defray the ordinary expenses of Government. The State, therefore, owes to the School Fund the sum of four hundred and seventy-five thousand five hundred and twenty dollars, (\$475,520).

This debt she has always recognized—for some years by devoting the proceeds of a special tax to the support of Schools, and since April thirtieth, eighteen hundred and fifty-seven, by appropriating annually a specific sum equal to the interest at seven per cent per annum upon the amount of the debt.

Should the Legislature neglect, as it did in eighteen hundred and sixty-one, or refuse, to make this appropriation, the School Fund has no rem-

edy. The good faith of the State is not doubted, but there are controlling reasons why it should now take steps to do that which should have been done at the time of the sale of these lands. I do, therefore, respectfully urge that measures be at once adopted to pay this debt of four hundred and seventy-five thousand five hundred and twenty dollars, (\$475,520,) due by the State to the School Fund.

It is not expected that it can be paid in cash, for the finances of the State will not warrant it; neither can bonds to the amount be issued, placed to the credit of the School Fund, and held as a special deposit by the Treasurer, for the constitutional prohibition against the creation of liabilities exceeding the sum of three hundred thousand dollars (\$300,000) will probably be urged as an objection.

How, then, can a settlement be effected with least embarrassment to the State?

To this question the Superintendent has given full consideration, and he trusts to be able to indicate a means by which the desired object can be effected. By section seven of the Act of April twenty-eighth, eighteen hundred and fifty-seven, entitled "an Act to provide for paying certain equitable claims against the State, and to contract a Funded Debt for that purpose," it is provided that "whenever on the first day of January or July, in any year, there remains, after payment of the interest, a surplus of ten thousand dollars, or more, it shall be the duty of the Treasurer to advertise for sealed proposals for the surrender of bonds issued under this Act, and the Treasurer and Governor, or Controller, shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds until the amount of cash on hand for redemption is exhausted."

The bonds, thus redeemed, are cancelled.

Under the operation of this law, bonds to the amount of sixty thousand five hundred dollars (\$60,500) were redeemed and cancelled during the fiscal year ending June thirtieth, eighteen hundred and sixty-one, and there is every reason to believe that an amount equally large will be every year redeemed. From this source we at once discover a means of paying the debt to the School Fund, and that, too, without additional taxation, or encroachment upon the ordinary revenues of the State.

To this end, I recommend that an Act be passed by your honorable body, providing that the bonds annually redeemed by the Sinking Fund, shall not be cancelled, but shall be marked "School Fund," and be placed in the custody of the Treasurer as a special deposit to the credit of said School Fund, until the debt due to it by the State has been thus paid.

This debt is four hundred and seventy-five thousand five hundred and twenty dollars (\$475,520,) in cash, not in bonds, and will only be cancelled when the amount of bonds that can be purchased from year to year, for four hundred and seventy-five thousand five hundred and twenty dollars (\$475,520), in cash, shall have been placed to the credit of the School Fund.

This amount may be estimated in round numbers at five hundred thousand dollars, (\$500,000,) and taking the value of the bonds redeemed in eighteen hundred and sixty-one as the standard, (sixty thousand five hundred dollars,) it will be seen that the whole debt may, in this manner, be paid by the State in a little more than eight years.

As the bonds are paid over to the School Fund, the Treasurer will, on the first of January and first of July of each year, pay into the School Fund, for semi-annual distribution, the amount of the coupons then due,

just as if the bonds were held by a private individual, and the amount annually appropriated by the Legislature "for interest on receipts from the sale of School Lands," to be devoted to the support of Public Schools, will be diminished by the amount of the coupons paid. For eight years, therefore, the interest due on this debt would be paid, in part, by the Treasurer on the coupons, and, in part, by a direct appropriation by the Legislature. At the end of that time the debt will have changed its form from an open account to a tangible security of seven per cent bonds, and the necessity for annual appropriations will no longer exist. I am satisfied that no more feasible practical plan for the settlement of this debt can be devised. It will not encroach to the extent of a dollar upon the ordinary revenues of the State, nor add a dollar to its debt. It will operate lightly upon the debtor, and will be satisfactory to the creditor. By the close of the year eighteen hundred and fifty-seven, sales of School Land Warrants, under the Act of May third, eighteen hundred and fifty-two, had entirely ceased. Purchasers were no longer willing to pay two dollars (\$2) per acre for land to the State, when they could buy the same lands from the United States at one dollar and twenty-five cents (\$1 25) per acre.

To meet this difficulty, an Act was passed April twenty-third, eighteen hundred and fifty-eight, "for the location and sale of the unsold portions of the five hundred thousand acres of land donated to the State for School purposes, and the seventy-two sections donated for the use of a Seminary of Learning."

The lands were to be sold for one dollar and twenty-five cents (\$1 25) per acre, and if the purchaser preferred, he could pay down twenty per cent of the principal, and ten per cent interest upon the remainder, in advance. For the unpaid principal, he is allowed as long a credit as he desires. The law directs that the principal received from the sale of these lands shall be from time to time invested in the purchase of seven per cent bonds, which bonds are "to be kept by the Treasurer as a special deposit, in his custody, marked 'School Fund,' to the credit of the School Fund."

This law has been faithfully complied with. Under its operation, lands to the amount of two hundred and sixty-one thousand one hundred and ninety-seven acres have been sold, and bonds to the amount of one hundred and twenty thousand dollars (\$120,000) have been purchased with so much of the principal as has been paid up, and there is at present the further sum of twenty-eight thousand three hundred and sixty-four dollars (\$28,364) on hand, applicable to the purchase of bonds.

When all the five hundred thousand acres shall have been sold and paid for, the account will stand as follows:

When Sold.	Acres.	Amount.
Acres sold prior to 1858.....	237,760	\$475,520
Remainder, at \$1 25 per acre.....	262,240	327,800
Total.....	500,000	\$803,320

If bonds can be purchased at ninety-five cents on the dollar, this sum of eight hundred and three thousand three hundred and twenty dollars

(\$803,320) in cash, will produce eight hundred and forty-five thousand six hundred dollars (\$845,600) in bonds, the annual interest upon which, at seven per cent. per annum, will be fifty-nine thousand one hundred and ninety-two dollars (\$59,192).

THE UNIVERSITY FUND.

By section twelve of an Act approved March third, eighteen hundred and fifty-three, Congress granted to California seventy-two sections, or forty-six thousand and eighty acres of land for the use of a Seminary of Learning. By an Act of our Legislature, approved April twenty-third, eighteen hundred and fifty-eight, provision was made for the sale of these lands. It was directed that they should be sold in the same manner, on the same terms, and subject to the same conditions, as the unsold portions of the five hundred thousand acres. Under the operation of this law, thirty-nine thousand six hundred and forty-seven acres have been sold to date, leaving but six thousand four hundred and thirty-three acres unsold.

At one dollar and twenty-five cents (\$1 25) per acre, the price fixed by the law, these forty-six thousand and eighty acres would bring fifty-seven thousand six hundred dollars (\$57,600.)

It was provided that the proceeds of the sales of these lands should be paid into the School Land Fund, and, from time to time, should be invested in State seven per cent bonds, for the benefit of the School Fund.

It was further directed that the Board of Examiners should, at the expiration of one year from the passage of the Act, that is to say, on the twenty-third of April, eighteen hundred and fifty-nine, take and use fifty-seven thousand six hundred dollars (\$57,600) of any money belonging to the School Fund, for the purpose of buying bonds; and when said bonds had been so purchased, that they should be delivered to the Treasurer of State, and kept by him as a special deposit, marked "Seminary Fund," to the credit of said Fund. All interest paid into the Treasury on said Seminary bonds was to be invested in State bonds in the same manner.

But neither on the twenty-third of April, eighteen hundred and fifty-nine, nor at any subsequent time, has the Board of Examiners purchased the bonds for the Seminary Fund, as by this law required.

This Fund is, in fact, a myth. Most of the lands belonging to it have been sold, and the School Fund proper has received the proceeds and the semi-annual interest thereon.

It is full time that the debt so long due to the Seminary Fund should be settled.

The account stands at follows :

<i>Due by School Fund to Seminary Fund :</i>	
For principal, due by law, April 23d, 1859.....	\$57,600
For four years' interest, at seven per cent per annum, to April 23d, 1863.....	16,128
Total	\$73,728

I recommend the immediate passage of a law to provide for the transfer of bonds to this amount from the School to the Seminary Fund.

This will square the account, and the School Fund will receive the proceeds of the sales of the whole forty-six thousand and eighty acres belonging to the Seminary Fund, and the ten per cent interest in advance upon so much of the principal as may remain unpaid.

THE SIXTEENTH AND THIRTY-SIXTH SECTIONS.

By Act of March third, eighteen hundred and fifty-three, Congress granted to California the sixteenth and thirty-sixth sections (one thousand and two hundred and eighty acres.) in each township for the support of Schools. Were it not for difficulties and obstructions interposed by the authorities in Washington, this grant would embrace one eighteenth of the whole area of California.

Those authorities, however, have so construed the law as to deprive us of the immense amount of land embraced within the sixteenth and thirty-sixth sections falling upon mineral lands, or lying in mineral districts, amounting to nearly two millions of acres. An attempt was made at the last session of Congress to obtain the passage of a law permitting the State to select an equivalent amount of lands, and to locate the same, in other parts of the State, in lieu of sixteenth and thirty-sixth sections falling upon mineral lands, but it was unsuccessful.

Provision was made by Act of April twenty-second, eighteen hundred and sixty-one, for the sale of those sections conceded to belong to the State, and the lands selected in lieu of school sections settled on before survey, or covered by private claims.

Under the operation of that law, lands to the amount of two hundred and eighty-eight thousand four hundred and seventy acres have been sold at one dollar and twenty-five cents (\$1 25) per acre, realizing three hundred and sixty thousand five hundred and eighty-seven dollars and fifty cents, (\$360,587 50.)

Purchasers are allowed a credit upon eighty per cent of the principal, provided they pay, regularly in advance, interest at the rate of ten per cent per annum upon said unpaid principal. If paid up in full, the proceeds of the sale would be invested in State bonds, yielding only seven per cent per annum.

It is best, therefore, for the School Fund, that purchasers should avail themselves, to the fullest extent, of the credit allowed them.

Of the sixteenth and thirty-sixth section grant, eighteen thousand seven hundred and twenty acres were sold by Boards of Supervisors under the Act of April twenty-sixth, eighteen hundred and fifty-eight. The proceeds were placed to the credit of the townships in which the lands sold happened to lie. Other townships in the same counties had no School sections.

From this results a difficulty, to which attention was called in my last annual report. As the difficulty still exists, I quote from that document so much as relates to it:

Section eight of the Act providing for the sale of the sixteenth and thirty-sixth sections declares that "all moneys heretofore derived as principal, for the sale of the lands herein designated, and sold under the Act for the sale of the sixteenth and thirty-sixth sections, approved April twenty-sixth, eighteen hundred and fifty-eight, shall be paid by the counties in which such lands have been sold, into the State School

Fund; and if not so paid, such counties shall have a sum deducted from the *pro rata* they would be entitled to under this Act, equal to the amount retained by them." In several of the counties a number of School sections have been sold under the Act of April twenty-sixth, eighteen hundred and fifty-eight, and the proceeds have been paid into the County Treasuries. The Superintendent has no means of ascertaining, officially, in what counties such lands have been disposed of, how many acres have been sold, or to what sum the proceeds amount. Nor can he determine whether these counties have paid the proceeds into the State School Fund or not. It is impossible for him, therefore, "to deduct from the *pro rata* such a county would be entitled to, a sum equal to the amount retained by it." There is no means of ascertaining this amount. But if there were, another difficulty would arise. The proceeds of the sale of the sixteenth and thirty-sixth sections belong exclusively, under the Act of April twenty-second, eighteen hundred and fifty-eight, to the inhabitants of the township in which they happen to lie—not to the inhabitants of the county at large.

Even in the same county, certain townships possess School sections, while others have not an acre of land.

The State Superintendent, under existing laws, apportions the School Fund among the several Districts of the State—not among the counties. Certain Districts, and in many instances, only fragments of Districts, included within the bounds of favored townships, receive the benefits of the fund derived from the sale of the townships' lands, while others are excluded from those benefits.

It would be manifestly unjust to deduct any sum from a county's *pro rata*, when such deduction would operate equally to the injury of the favored and the excluded districts.

To remedy the difficulty, the law should be so amended as to require the Trustees to report what amount of funds their district received from the Township School Fund, and to empower the State Superintendent to deduct an equivalent amount from the district's *pro rata*.

AMENDMENTS TO THE SCHOOL LAW.

Our School law continues to work well. School officers have become familiar with its operations, and few difficulties are now encountered in its administration. In some minor points, however, an improvement can be made.

PAYMENT OF RATE BILLS.

In consequence of the pittance doled out by the State for the advancement of the cause of education, our Schools are free only in name.

In very rare instances are the public funds sufficient to maintain a school even for the brief period of three months during the year. A large majority of the Districts are therefore forced to impose a rate bill upon the parents of the children attending School, in order to supply the deficiency in the public fund.

Under the existing law, it is provided "that any balance that may be needed to compensate the Teacher, after the public moneys belonging to the District have been exhausted, shall be raised by rate bill, made out by the Trustees against those sending to School, in proportion to the number of days and of children sent; and in making out such rate bill, it shall be the duty of the Trustees to exempt such indigent inhabitants as may, in their judgment, be entitled to such exemption."

I objected most earnestly, at the outset, to the imposition of rate bills at all: first, because it has a perceptible effect in diminishing the attendance at school; and, secondly, because, as usually carried into effect by Trustees, the disagreeable duty of collection is imposed upon Teachers.

Although Trustees have the right to exempt the indigent from the rate bill, yet few, however poor, are willing to send their children to School and be officially branded as paupers. Hence, many prefer to keep their children at home.

The rate bill is placed, ordinarily, in the hands of the Teacher for collection. He must travel around his District, collecting a dollar from one, two dollars from another, until the rude and boorish come to look upon him almost as a mendicant. He is mortified and discouraged—tempted to abandon a profession that exposes him to such annoyances, while his influence with parents and children and his powers of usefulness are seriously impaired.

This whole system of rate bills is radically wrong—but, until the State is prepared to furnish larger means for the support of Schools, it must be tolerated. In the Act authorizing the rate bill, no means are indicated whereby payment may be enforced, and I have always doubted whether there was a remedy against the delinquent. For some years I have doubted, too, the policy of attempting to enforce payment by legal process, but after mature consideration, guided by the light of experience, I am now satisfied we have reached such a point in the progress of our Schools, that means should be provided by the Legislature to compel payment. I therefore recommend that section thirty-one of the Act of May third, eighteen hundred and fifty-five, be so amended that full power may be conferred upon the Trustees of any School District to bring suit against any person (not exempt) who shall neglect or refuse to pay the amount due by him upon a rate bill made out by the Board of Trustees, and recover the same in the manner prescribed for the recovery of any other sum or debt due upon a judgment obtained in a Justice's Court, with costs of suit. If the Trustees fail to bring suit, they should be made personally responsible to the Teacher for the amount due upon such rate bills as they may have failed to recover in the manner provided.

EXAMINATION OF TEACHERS.

The recent law, providing for State and County Boards for the examination of Teachers works well. It has already effected an improvement, and it is well calculated to elevate the standard of the teaching profession, and gradually to rid the Schools of the ignorant and incompetent who have, in too many instances, succeeded in foisting themselves upon confiding Trustees.

The County Board of Examination is composed of the County Superintendent and at least three qualified Teachers or citizens, selected by him.

In practice, the Board meets periodically—usually once in three months.

It is impossible to call a meeting of the Board every time a single applicant asks for a certificate, and yet occasions frequently occur where it is important that a Teacher should be examined at once. He may have been appointed to a School, and he cannot take charge of it until he has received a certificate. If this occur a short time after the regular meeting of the Board, he is compelled to wait nearly three months before he can be examined and obtain a certificate. In consequence, the Trustees

who have engaged him must postpone the opening of their School, or obtain another Teacher who has a certificate.

The law in this works a hardship which it is easy to remedy. I recommend that it be so amended as to provide, that if it be not possible or convenient to convene a full Board of Examination between the regular quarterly meetings of the Board, the County Superintendent shall have power to examine any applicant, and grant a certificate of qualification, to remain in force until the next regular meeting of the Board, and no longer.

The Teachers composing the Board are often called from distant parts of the county. They are compelled to pay their own travelling expenses, and their board for some days, while absent from home. This is a heavy tax upon the small salary usually paid in the rural districts. It is but just that they should be allowed a reasonable compensation for their services. I recommend, therefore, that the law be so amended as to provide that the Teachers selected to form a Board of Examination shall be entitled to receive the sum of five dollars (\$5) per day for every such examination, to be paid out of the General Fund of the county, upon the recommendation of the County Superintendent.

Such a law is warmly urged by a number of the ablest and most experienced County Superintendents, and with them I heartily concur.

A UNIFORM SERIES OF TEXT BOOKS.

At the risk of appearing importunate, the State Superintendent renews his recommendation that authority be conferred on the State Board of Education to prescribe a uniform series of text books to be used in the Public Schools of the State. The evils of the present, the advantages of the proposed, system have been so frequently explained, that repetition would be useless.

The measure is recommended by a vote of the State Educational Convention, in session in September last.

That Convention, after full investigation and protracted discussion, agreed upon a series of books, and recommended that they should be introduced into all the Schools of the State. The judgment of so large and intelligent a body of experts is entitled to great consideration, but there is no means of enforcing their recommendation. The State Board of Education will, doubtless, be guided by the opinions of the Convention, and, if empowered, will prescribe only those books indorsed by it.

Care should be taken that the change be not too sudden—that the decision of the Board shall not be binding until a year or more after its promulgation—so as to give parties interested ample time to procure a full supply of the books prescribed.

TEACHERS' CERTIFICATES.

For the reasons set forth in my last annual report, I would again urge that the law be so amended as to obviate the necessity of the re-examination of Teachers every year.

At present, a certificate of qualification, granted by a Board of Examination, holds good for but one year. Its duration should be extended to at least two years.

SCHOOL LIBRARIES AND APPARATUS.

I again recommend the adoption of measures for procuring a library, and necessary apparatus, for every School District in the State. No system of Public School education can be thoroughly effective without these adjuncts.

STATE TEACHERS' INSTITUTE.

The second annual session of the State Educational Convention and Teachers' Institute, was held in the City of Sacramento, on the twenty-third of September last, and continued in session for five days.

The time was devoted to a discussion and illustration of practical questions of interest to the Educators of the State, and the effect was to elicit a large amount of valuable information—information which would probably have reached many of the Teachers in no other way. Even those who were not in attendance will receive the benefits of the Institute, through the very full printed report of its proceedings, distributed among all connected with the Schools.

Numerous letters have been received from intelligent friends of education, speaking in the highest terms of the value of the little work containing the proceedings of our former Institute, and the effect it has had in animating the Teachers, and in furnishing them with many new ideas, and many new modes of reaching the understanding of their pupils. One of our most experienced and zealous County Superintendents writes :

"Were not my report already too lengthy, I would like to speak of the high opinion I entertain of the State Teachers' Institute and Educational Convention, held in San Francisco. In them I find many gems to arouse the mind to reflection, and many valuable hints and suggestions worthy the study of every Teacher, whether old or young "

Another County Superintendent, active and earnest, writes :

"I wish you would send me a large supply of the 'Reports of the Teachers' Institute and Convention.' I wish to furnish every one who may teach in this county during the next year, with a copy. I consider them invaluable, and I shall say to our Teachers that they cannot study them too much. It is certain that great service has been done the State by the publication of these reports."

It is expected that the proceedings of the Institute of eighteen hundred and sixty-two, just distributed, will be found equally valuable. The Institute is no longer an experiment. It has more than fulfilled all that the Superintendent claimed for it in his first appeal, in its behalf, to the Legislature. It has imparted vitality to Teachers; it has created an *esprit du corps*; it has stimulated the backward to efforts that may place them on an equality with their more favored associates; it has called public attention to their efforts; it has given them a higher place in public estimation, and, by a natural reaction, it has stimulated and promoted the organization of auxiliary Institutes in most of the important counties of the State.

I commend it to the fostering care of the Legislature.

THE STATE NORMAL SCHOOL.

I refer you to the detailed report of the Trustees of this School, for particulars of its organization and progress.

It opened under favorable auspices, and has continued to increase in public favor as its merits and advantages have become known.

I do not hesitate to affirm that such an institution is indispensable to the successful working of the system of Public School education, and I do, therefore, most earnestly commend it to your favorable consideration. I respectfully recommend that an appropriation of six thousand dollars (\$6,000) be made for its support during the year eighteen hundred and sixty-three.

The amount will be returned a hundred fold in the increased efficiency of our Public Schools.

STATE AGRICULTURAL SCHOOL.

By Act of July second, eighteen hundred and sixty-two, Congress granted to each State a quantity of land equal to thirty thousand acres for each Senator and Representative in Congress, for the establishment and maintenance of a College of Agriculture and the Mechanic Arts. Under this law, California is entitled to one hundred and fifty thousand acres, which, at the current rate of one dollar and twenty-five cents (\$1 25) per acre, will realize one hundred and eighty-seven thousand five hundred dollars (\$187,500.) This sum, invested in State seven per cent bonds, will yield thirteen thousand one hundred and twenty-five dollars (\$13,125) per annum, amply sufficient to justify an immediate organization of the College.

The law requires that all moneys derived from the sale of the lands thus granted, shall be invested in safe stocks, yielding not less than five per cent per annum; and "that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, and the interest of which shall be inviolably appropriated to the endowment, support, and maintenance, of at least one College, where the leading object shall be, without excluding other scientific and classical studies, *and including military tactics*, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

A number of conditions are imposed by the law; among them, that "No State shall be entitled to the benefits of this Act, unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President."

I recommend that the requisite Act of acceptance be immediately passed by your honorable body.

As to the mode of selection of these lands, it is provided that the quantity to which each State is entitled shall be selected from the public lands within the limits of the State, subject to sale at private entry at one dollar and twenty-five cents (\$1 25) per acre.

The immediate passage of a law for the selection of these lands is respectfully recommended.

It is unnecessary for the Superintendent to enlarge upon the value of this grant, and the great importance of providing a College for the dissemination of knowledge upon agriculture and the mechanic arts.

It is sufficient to say that California *must* establish the College, or forfeit the grant; and the sooner, therefore, steps are taken to this end, the better.

On the first of July, eighteen hundred and sixty-two, the State failed to pay to the School Fund the interest due on that day, amounting to seventeen thousand one hundred and forty-seven dollars and twenty cents, (\$17,147 20.) On the first of January, eighteen hundred and sixty-three, she again failed to pay the semi-annual interest, amounting to sixteen thousand six hundred and forty-three dollars and twenty-five cents (\$16,643 25.)

She is now, therefore, in arrears to the School Fund to the amount of thirty-three thousand seven hundred and ninety dollars and forty-five cents (\$33,790 45.)

The following correspondence will furnish a full explanation of these repeated failures:

[The State Superintendent to the Controller.]

DEPARTMENT OF INSTRUCTION.

May 14th, 1862. }

To Hon. G. R. WARREN,

Controller of State :

DEAR SIR :—The last Legislature [of eighteen hundred and sixty-one] neglected to make the usual appropriation for the payment of the interest due by the State to the School Fund for the *current* fiscal year [ending June thirtieth, eighteen hundred and sixty-two.]

In the Deficiency Bill just passed, [approved May fourteenth, eighteen hundred and sixty-two] this omission has been repaired, and the sum of thirty-four thousand dollars (\$34,000) has been appropriated for the payment of said interest. Of this amount, one half (seventeen thousand dollars) was due and payable in January last, and may be now apportioned, but as the regular semi-annual apportionment of the State School Fund will be made in about one month from date, I have concluded to wait until that time, to apportion the whole thirty-four thousand dollars (\$34,000.)

You will of course see that the requisite amount is transferred to the School Fund in time to meet my orders on you in favor of the County Treasurers. I allude to the subject thus early, lest, perchance, it may have escaped your attention, and that you may have full time to make all necessary arrangements.

I am, very respectfully,

ANDREW J. MOULDER.

Supt. Public Instruction

[Reply of Controller to State Superintendent.]

OFFICE OF CONTROLLER OF STATE.

Sacramento, May 17th, 1862. }

Hon. A. J. MOULDER,

Superintendent of Public Instruction :

DEAR SIR :—Your communication of the fourteenth instant has been duly received. In answer, I regret to inform you that it will not be pos-

sible to transfer from the General Fund to the School Fund (in time to apportion the amount by the first of July, eighteen hundred and sixty-two) the appropriation made by the late Legislature [of eighteen hundred and sixty-two] for the payment of the interest due by the State to the School Fund—that appropriation being thirty-four thousand dollars (\$34,000) for last year, and the same amount for the present.

The reason is, that there is no money in the General Fund from which to make such transfer. The late Controller, my predecessor, having, in December last, placed in the General Fund a very large amount which should have been apportioned to the Interest and Sinking Fund, Swamp Land, and other Funds, it will require all the money now being received from the various counties to the General Fund, and all that will be likely to accrue to that Fund, from all sources, to the first of July next, [eighteen hundred and sixty-two], to repay to said Funds their apportionment due upon payments made in December last [eighteen hundred and sixty-one.] As a matter of course, there will be no money in the General Fund applicable to a transfer of the appropriation for the benefit of the School Fund.

I have the honor to be, very respectfully,

Your obedient servant,

G. R. WARREN,
Controller.

[State Superintendent to Controller.]

DEPARTMENT OF INSTRUCTION, }
May 26th, 1862. }

To Hon. G. R. WARREN,
Controller of State :

DEAR SIR:—Your favor of the seventeenth instant, informing me “that it will not be possible to transfer from the General Fund (in time to apportion the amount by the first of July) the appropriation made by the last Legislature for the payment of the interest due by the State to the School Fund,” came duly to hand.

Before commenting upon this statement, permit me to correct an error into which you seem to have fallen. You say “the appropriation made by the Legislature is thirty-four thousand dollars, (\$34,000) for last year, and the same amount for the present [meaning current] year.” No appropriation was made for last fiscal year. The thirty-four thousand dollars (\$34,000) is due for interest during the *current* fiscal year, ending June thirtieth, eighteen hundred and sixty-two, and that is the only amount subject to apportionment in June next, appropriated by the last Legislature. From your communication, I infer that you do not consider it your duty to report this thirty-four thousand dollars (\$34,000) on the tenth of June next, as subject to apportionment. From this view, I respectfully dissent. Omitting surplusage, section nine of the School Law, passed May third, eighteen hundred and fifty-five, which regulates proceedings in this matter, declares :

Sec. 9. The State Controller shall * * * report to the Board of Education * * * a particular statement of the moneys in the Treasury, accruing on or before the first day of July. * * * *from the interest* or income of the Common School Fund, or from State taxes, or *appropriations*, or from any other source, for the support of Common Schools.

The interest due to the School Fund accrues on the first of July, and therefore this interest (thirty-four thousand dollars) should be reported to the State Board of Education.

You say, "It will require all the money now being received from the various counties into the General Fund, and all that will be likely to accrue to that Fund from all sources to the first of July next, to repay to said funds [meaning the Interest and Sinking Fund, Swamp Land, and other funds] their apportionment due upon payments made in December last." In other words, the General Fund is indebted to sundry Funds. It is also indebted to the School Fund. Why should the before mentioned funds be preferred to the School Fund—and most especially, why should the Swamp Land Fund be so preferred? At least seventeen thousand dollars (\$17,000) of the thirty-four thousand dollars (\$34,000) was due to the School Fund in December last. The whole thirty-four thousand dollars (\$34,000) is due for interest, and it is just as necessary for the protection of the State's credit that this interest should be paid, as the interest upon our State bonds. In fact, in contemplation of law, the debt due from the State to the School Fund exists in the shape of State seven per cent bonds. The law providing for the sale of the School Lands, directed that the proceeds should be invested in bonds, which should be held as a special deposit by the Treasurer, and the interest thereon regularly paid to the Schools, just as if said bonds were held by private individuals.

The State officers failed to comply with this law, and no such bonds exist in reality, but each succeeding Legislature has recognized their existence by making an appropriation to pay the interest. I submit that the State is as much dishonored—that she is practically as much guilty of repudiation—if she neglects to pay the interest due upon her bonds belonging to, or in contemplation of law, belonging to the School Fund, as if she neglected the payment of interest upon her bonds held by Wells, Fargo & Co. This consideration should make the School Fund preferred to *all other Funds*, excepting the Interest Fund, and not excepting the Sinking Fund.

Section seven of the law before quoted, declares that "all School moneys due each county in the State, shall be paid over by the State Treasurer to the County Treasurers on the first day of * * * July, of each year, or as soon thereafter as the County Treasurers may apply for the *same*, upon the warrant of the Controller of State," etc.

Now, it is undoubtedly true that this thirty-four thousand dollars (\$34,000) will be due the several counties of the State on the first of July next, and the law declares it shall be paid.

But, even granting that it shall be impossible to place this thirty-four thousand dollars, (\$34,000,) in cash, in the School Fund, by the first of July next, I submit that the proper course is still to report that amount subject to apportionment. I can then issue my order on the Controller in favor of the County Treasurers, but before the money can be drawn, the Controller must issue his warrant upon the Treasurer. When the order is presented by a County Treasurer, let the Controller

inform him, if the fact be so, that there is no cash in the Fund to meet it, and decline to issue the warrant. In other words, let the order of the Superintendent of Public Instruction be considered an audited account, and when presented for payment, let it be treated as an account audited against any other Fund—that is, let it be registered, and the County Treasurer holding it be informed that the warrant for the amount will be issued as soon as there is cash in the Fund to meet it, and not before.

I submit that it would be a gross injustice to the Schools to refuse them the privilege of recording audited accounts within the limits of the appropriation made for their benefit. That appropriation includes the thirty-four thousand dollars (\$34,000) for interest. I trust you will see proper to take this view of the question, even if you insist on paying the debt due to the Swamp Land Fund before that due the School Fund.

I am, very respectfully,

ANDREW J. MOULDER,
Supt. Public Instruction.

The Controller finally compromised by reporting one half of the amount due, as will be seen from the following extract from his letter of June tenth, eighteen hundred and sixty-two, to the State Board of Education :

“ — Balance of said sum is derived as follows : seventeen thousand one hundred and forty-seven dollars and twenty cents, (\$17,147 20), being one half of the appropriation (thirty-four thousand two hundred and ninety-four dollars and forty cents) made by the last Legislature [of eighteen hundred and sixty-two] as deficiency for the support of Schools for thirteenth fiscal year [ending June thirtieth, eighteen hundred and sixty-two.] The whole of said appropriation would have been placed to the credit of the School Fund, but there is not sufficient money in the General Fund to admit of a transfer of the whole amount, at this time.”

With this the State Board of Education were forced to be content, and they appended a note to the printed abstract of the apportionment, made June fourteenth, eighteen hundred and sixty-two, explaining the facts.

In November, the State Superintendent addressed the following to the Controller :

DEPARTMENT OF INSTRUCTION. }
November 11th, 1862. }

To Hon. G. R. WARREN,
Controller of State :

DEAR SIR :—Permit me to call your attention to the necessity of reporting to me, at the earliest possible moment, the seventeen thousand one hundred and forty-seven dollars and twenty cents, (\$17,147 20,) due the School Fund on the first of July, eighteen hundred and sixty-two, as per Act of May fourteenth, eighteen hundred and sixty-two, in order that I may apportion the same among the several School Districts of the State thereto entitled. The County Treasurers will shortly pay a large amount of money into the Treasury, and I respectfully urge that this seventeen thousand one hundred and forty-seven dollars and twenty cents

(\$17,147 20) be placed to the credit of the School Fund out of the first moneys received.

It is important that this back debt be not incorporated with the amount you will report on or about the tenth of December, subject to apportionment. This debt must be apportioned by me separately. It is, by law, applicable to the payment of debts contracted by the schools prior to the close of the school year ending October thirty-first, eighteen hundred and sixty-two—and there are many such debts, incurred upon the expectation of the receipt of this money from the State—while the funds which you may on the tenth of December report subject to apportionment, cannot be used for the payment of debts contracted prior to October thirty-first, eighteen hundred and sixty-two. (See section seven of Amendatory School Law, passed April twenty-eighth, eighteen hundred and sixty.)

There is another conclusive reason why this seventeen thousand one hundred and forty-seven dollars and twenty cents (\$17,147 20) should be reported and apportioned sooner than the regular semi-annual apportionment of the amount to be reported by you on the tenth of December.

The School Fund was apportioned, about the twentieth of December, eighteen hundred and sixty-one, among those School Districts—and those alone—which had maintained a Public School for three months during the year ending October thirty-first, eighteen hundred and sixty-one, and this apportionment was based upon the the census of such Districts, taken in the month of October, eighteen hundred and sixty-one. The apportionment in June, eighteen hundred and sixty-two, in which apportionment this seventeen thousand one hundred and forty-seven dollars and twenty cents (\$17,147 20) should have been included, was based upon the same census as that of December eighteen hundred and sixty-one, and was made for the benefit of the same Districts. Now, the apportionment of the amount to be reported by you in December next will be based upon the census taken in October, eighteen hundred and sixty-two.

Many new Districts have maintained schools during the year ending October thirty-first, eighteen hundred and sixty-two, which will be entitled to a *pro rata* of the funds distributed in December, but not to any portion of the seventeen thousand one hundred and forty-seven dollars and twenty cents, (\$17,147 20) due in June last. Moreover, the schoolable children of the old Districts have been increased, in most instances, by the census of eighteen hundred and sixty-two, so that the basis of distribution and the ratio of apportionment will not be the same in December as they were in June last. If I have been sufficiently clear, you will understand the importance of apportioning this seventeen thousand one hundred and forty-seven dollars and twenty cents (\$17,147 20) before, and separately from, the regular semi-annual apportionment in December next. I cannot apportion it until you report the amount subject to my order, and hence the object of this communication is to request that you will make such report, at latest, before the close of this month.

Be kind enough to inform me whether this can be done, as I am in the receipt of numerous communications from School Districts entitled to a share of this money, inquiring when they may expect to receive it.

I am, very respectfully,

ANDREW J. MOULDER,
Sup. Public Instruction.

[Reply of Controller to State Superintendent.]

OFFICE OF CONTROLLER OF STATE,
Sacramento, November 12, 1862. }

Hon. A. J. MOULDER,

Supt. Public Instruction :

DEAR SIR:—Your letter of the eleventh instant is received, and duly noticed.

With due deference to your argument, I cannot see why the Schools should have preference over other creditors of the State, who have been waiting long for their money. I cannot report this amount (seventeen thousand one hundred and forty-seven dollars and forty cents) unless the same is in the General Fund at the time of making the report, and as such is not the case now, I must decline to report it until the regular report, to be made in December next.

Very respectfully,

G. R. WARREN,
Controller.

On the twenty-fourth of December, the following was received, being the regular semi-annual report of the funds belonging to the School Fund subject to apportionment :

OFFICE OF CONTROLLER OF STATE,
Sacramento, December 10th, 1862. }

To the Hon. THE STATE BOARD OF EDUCATION :

GENTLEMEN:—In conformity with law, I herewith submit semi-annual statement of the securities and moneys belonging to the School Fund :

Amount of semi-annual interest (due January 1st, 1863.) on Civil Bonds of this State, purchased under the Act of April 23d, 1858.....	\$4,200 00
Amount received as "interest" from sales of State School Lands, and one half of amount derived from sales of "Poll Tax Receipts".....	60,793 69
Total amount subject to apportionment.....	\$64,993 69

Sixty-four thousand nine hundred and ninety-three dollars and sixty-nine cents.

In consequence of very heavy and pressing demands, by creditors of the State, who have accounts payable out of the General Fund, which have been due and payable now more than a year, I find it impossible, at present, to transfer from said General Fund to the School Fund any part of the amount appropriated by the last Legislature for interest on Civil Fund Warrants, held by the State Treasurer in trust for the School Fund.

I remain, very respectfully,

Your obedient servant,

G. R. WARREN,
Controller.

The amount appropriated by the last Legislature for the support of schools, which should have been included in the apportionment of December twenty-sixth, eighteen hundred and sixty-two, but which was not, "in consequence of very heavy and pressing demands by creditors of the State whose accounts have been long due," is thirty-three thousand seven hundred and ninety dollars and forty-five cents, (\$33,790 45,) made up as follows :

Interest due July 1st, 1862.....	\$17,147 20
Interest due January 1st, 1863.....	16,643 25
Total.....	\$33,790 45
Amount apportioned December 26th, 1862.....	65,038 50
Amount that should have been apportioned.....	\$98,828 95

I feel assured that a simple statement of the case will be sufficient to induce your honorable body to take instant and effectual measures for the payment of this debt of the Schools.

All of which is respectfully submitted.

ANDREW J. MOULDER,
Sup't Public Instruction.

DEPARTMENT OF INSTRUCTION,
December 31st, 1862. }

STATISTICAL TABLES.

	7	3,398	1,209	1,189	2,398	837	163	2,666	1	4	666	162	401	265	10	2	31...
Los Angeles.....	11	952	383	305	628	277	37	578	2	.....	289	182	171	118	12	...	31...
Marin.....	7	1,469	490	389	879	560	30	1,010	2	.....	370	224	198	172	8	...	11...
Mariposa.....	13	1,151	415	825	740	374	37	723	1	.....	396	229	228	170	14	...	14...
Mendocino.....	4	431	143	124	267	155	9	297	.....	.....	140	95	80	60	5	...	5...
Merced.....	1	94	34	19	53	39	2	89	.....	.....	27	22	19	8	1	...	1...
Mono.....	7	2,203	867	728	1,595	519	59	1,689	5	1	492	271	317	175	8	...	6...
Monterey.....	16	1,097	624	663	1,287	632	78	1,177	1	.....	619	322	338	281	16	...	14...
Napa.....	20	4,308	1,270	1,187	2,457	1,770	81	2,522	1	1	824	502	449	375	22	1	21...
Nevada.....	23	2,672	903	883	1,786	797	89	1,644	2	2	989	526	514	475	25	...	22...
Placer.....	3	660	237	222	459	189	12	304	.....	.....	82	51	49	33	3	...	1...
Plumas.....	40	6,365	2,267	2,148	4,415	1,969	181	3,602	3	4	2,664	1,498	1,468	1,179	55	4	47...
Sacramento.....	9	1,431	511	449	969	428	43	859	.....	2	463	217	259	226	8	...	4...
San Bernardino.....	1	427	165	180	345	57	25	427	.....	.....	34	20	14	20	1	.....	1...
San Diego.....	1	22,912	6,283	6,792	12,985	9,659	898	13,282	32	22	8,263	3,786	4,398	3,895	21	6	13...
San Francisco.....	41	4,820	1,700	1,469	3,169	1,476	175	2,523	4	34	2,070	1,181	1,172	898	49	1	43...
San Joaquin.....	2	981	354	281	735	270	16	918	.....	.....	75	34	42	33	7	...	2...
San Luis Obispo.....	10	1,194	381	410	791	380	23	920	1	2	329	203	174	155	10	...	10...
San Mateo.....	3	1,745	639	638	1,277	390	78	1,722	2	.....	187	112	118	74	4	1	1...
Santa Barbara.....	22	5,373	1,880	1,676	3,561	1,574	215	3,465	4	2	1,527	776	918	609	37	2	23...
Santa Clara.....	8	2,136	744	737	1,471	611	54	1,688	.....	.....	597	285	290	307	11	...	8...
Santa Cruz.....	18	1,481	478	514	992	466	29	758	.....	.....	502	354	221	281	18	...	18...
Sierra.....	10	1,412	389	371	760	607	45	881	.....	.....	413	239	224	191	11	...	10...
Siskiyou.....	13	1,258	390	348	738	484	36	806	1	2	384	206	215	169	13	...	13...
Shasta.....	18	3,466	1,120	1,029	2,149	1,220	97	2,054	3	.....	999	452	562	437	17	1	14...
Solano.....	53	5,922	1,994	1,841	3,835	1,865	232	3,527	5	2	2,170	1,287	1,208	962	53	1	51...
Sonoma.....	4	678	214	195	409	249	20	442	3	.....	171	80	99	81	4	...	3...
Stanislaus.....	12	1,215	417	351	768	421	26	701	1	1	365	211	211	151	13	1	12...
Sutter.....	8	863	308	259	567	273	23	424	1	.....	311	173	183	128	6	2	4...
Tehama.....	6	579	152	149	301	265	13	381	.....	.....	190	140	79	111	7	...	6...
Trinity.....	3	1,247	424	398	822	382	43	652	1	2	321	156	181	140	6	...	5...
Tulare.....	10	2,988	912	859	1,771	1,137	80	2,157	.....	.....	1,610	447	575	435	11	2	8...
Tuolumne.....	21	2,035	727	655	1,382	612	91	1,105	4	.....	908	469	501	407	24	2	21...
Yuba.....	19	2,979	960	909	1,869	1,009	101	1,686	1	2	990	494	614	376	23	2	16...
Totals.....	630	114,668	37,310	35,511	72,821	38,127	3,720	70,734	94	95	36,566	19,262	20,092	16,474	715	31	629 11

EXHIBIT OF THE CONDITION OF THE PUBLIC SCHOOLS—Continued.

During the Year ending October 31, 1862.

COUNTIES.		Grade of Schools.		Number months during which Schools were kept open.		Size of Schools.		Number of Private Schools.		Number of pupils in Private Schools.		Public School Teachers.		How many design to make teaching a permanent profession		Average salary per month paid Teachers		Average of Teacher's experience—years		Average age of Teachers—years	
		High.	Grammar.	Intermediate.	Mixed	Primary	Less than 25 pupils....	Over 25 and less than 50 pupils...	Over 50 and less than 100 pupils..	Over 100 and less than 200 pupils.	Over 200 pupils.....	Male.....	Female.....								
Alameda.....	2	18	6	7	1	2	8	16	9	3	5	21	11	8	8	62	65	6	1-12	27	1-2
Amador.....	3	17	6	7	1	2	7	16	9	3	5	21	11	8	8	67	40	2	2-3	28	1-2
Butte.....	9	8	11	6	2	3	10	14	3	1	...	14	10	18	18	63	75	3	1-5	24	...
Calaveras.....	3	11	3	2	2	6	13	...	4	...	...	16	8	8	8	70	61	5	1-4	30	...
Colusa.....	1	8	4	4	2	3	10	3	...	...	...	20	6	5	5	45	99	5	1-2	25	1-2
Contra Costa.....	5	5	11	11	5	...	7	12	2	...	...	13	8	5	5	53	12	2	...	26	...
Del Norte.....	1	1	2	1	1	...	2	...	1	...	...	30	16	...	...	50	00	4	...	23	1-2
El Dorado.....	1	3	13	6	10	7	17	12	4	4	...	30	16	29	29	62	51	3	3-4	27	...
Fresno.....	1	...	1	1	...	...	1	...	...	...	...	5	1	1	1	66	66	10	...	50	7-12
Humboldt.....	1	4	6	5	2	2	6	2	3	...	...	5	...	3	3	50	00	2	...	17	...
Klamath.....	1	...	...	...	...	...	1	...	...	...	...	...	1	...	...	65	00	...	...	...	...
Lake.....	2	5	1	1	2	4	2	5	...	...	...	5	3	2	2	58	57	2	5-6	29	5-6
Los Angeles.....	3	1	6	2	6	...	6	1	1	4	...	11	5	13	13	77	50	4	2-3	33	2-3
Marin.....	2	4	6	1	4	1	6	6	...	...	...	8	8	8	8	37	70	3	1-2	27	1-3
Mariposa.....	3	...	...	...	...	...	2	3	3	...	...	5	6	4	4	65	00	7	3-4	29	2-3

	4	10	11	1	2	.....	3	1-2	8	6	.....	.....	.....	12	4	5	51	82	3	1-12	30	1-3
Mendocino	2	3	2	2	.....	.....	1	5 1-5	1	4	.....	.....	.....	5	2	3	58	33	4	3-4	26	
Merced	1	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	1	.....	72	00	9	.....	28	
Mono	5	3	1	3	1	2	1	6	.....	5	2	1	.....	60	11	2	7	56	62	6	2-7	27
Monterey	11	5	4	4	3	3	2	6 1-5	4	9	2	1	.....	150	15	6	9	53	14	5	2-7	33
Napa	20	1	6	4	4	3	4	5 1-4	10	9	1	2	.....	400	14	10	10	71	13	5	3-3	32
Nevada	12	13	4	.....	.....	.....	4	6 1-6	10	9	5	1	.....	100	17	15	13	60	32	7	1-2	32
Placer	3	.....	.....	8	2	7	4	6 1-6	10	9	5	1	.....	82	4	1	75	00	5	2-6	26	
Plumas	29	19	4	19	.....	.....	1	7	1	2	.....	.....	.....	35	34	34	65	58	4	1-2	30	
Sacramento	1	3	3	1	2	3	1	5 3-4	1	3	1	.....	.....	.....	.....	6	52	61	9	1-2	37	
San Bernardino	1	.....	.....	.....	.....	.....	.....	8	.....	1	.....	.....	.....	9	.....	.....	65	00	1	.....	21	
San Diego	3	1	.....	.....	.....	.....	.....	10 1-4	.....	4	3	14	110	2,853	19	88	19	76	65	.....	.....
San Francisco	21	24	10	16	7	5	9	5 1-2	13	23	12	1	.....	3	181	32	17	60	34	3	1-2	26
San Joaquin .....	.....	.....	.....	.....	.....	.....	.....	4 1-4	1	.....	.....	.....	.....	.....	1	.....	52	50	4	1-2	36	
San Luis Obispo	9	1	.....	2	2	.....	.....	8 2-5	3	6	1	.....	.....	2	20	8	1	50	20	4	1-2	31
San Mateo	1	2	1	1	1	2	1	6 3-4	1	1	2	.....	.....	2	45	4	1	57	50	3	1-12	32
San Maria	1	18	9	4	8	7	9	6	14	10	13	.....	.....	6	700	20	18	57	00	5	2-3	28
Santa Clara	4	7	.....	4	2	3	2	6 7-10	3	1	7	.....	.....	.....	9	7	4	60	94	5	1-2	36
Santa Cruz .....	.....	18	12	1	4	.....	1	4 2-3	13	3	2	.....	.....	10	200	8	11	41	00	3	5-6	25
Shasta	1	8	1	5	.....	.....	.....	5 2-3	2	8	1	.....	.....	3	120	6	9	77	76	2	5-6	25
Sierra	7	9	6	6	1	.....	.....	3 3-4	7	5	1	.....	.....	2	70	10	5	60	94	3	1-3	25
Siskiyou	9	8	3	4	5	.....	.....	1 5	3	6	2	.....	.....	8	350	16	17	63	92	7	2-3	30
Solano	24	13	12	24	5	5	7	5	15	32	3	2	1	7	250	45	40	52	50	4	2-3	29	
Sonoma	1	3	.....	1	1	1	1	7 1-4	1	2	1	.....	.....	5	.....	4	66	00	2	1-2	26	
Stanislaus .....	.....	9	4	7	1	1	1	4 5-6	5	8	.....	.....	.....	17	2	6	52	35	3	.....	26	
Sutter	1	3	.....	5	1	.....	.....	4 2-3	2	2	.....	.....	.....	9	1	7	58	08	1	3-4	25	
Tehama .....	.....	5	.....	5	.....	.....	.....	6	5	.....	.....	.....	.....	3	6	3	75	55	3	2-3	26	
Trinity	1	6	1	1	1	1	1	6	.....	.....	.....	.....	.....	6	1	1	5	72	71	5	3-4	27
Tulare	6	2	1	1	6 1-6	1	3	2	2	100	6	1	5	27	1	5	3-4	27
Tuolumne	1	8	1	7	1	1	1	6 1-2	1	3	5	2	11	5	7	72	33	8	36	2-3	36
Yuba .....	.....	16	3	9	4	7	1	6	6	13	4	1	.....	.....	27	8	13	63	04	4	1-6	26
Yuba	2	2	6	4	2	3	8	6 4-5	5	11	7	.....	.....	13	17	5	68	45	4	2-3	25	
.....	2	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	2	47	35	245	286	131	36	17	219	6,886	552	410	393	860	53	4	3-4	28
.....	.....	310	152	215	90	110	135	5 4-5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

EXHIBIT OF THE CONDITION OF THE PUBLIC SCHOOLS—Continued.
During the Year ending October 31, 1862.

COUNTIES.	Cost or Valuation of School-houses and Furniture.....	Amount of School Funds received from the State...	Amount of School Funds received from County Taxes.....	Amount raised in the County by Tax, Rate Bills, and private Subscriptions.....	Total Receipts for School Purposes.....	Total Amount Paid for Teachers' Salaries
Alameda.....	\$11,535 57	\$2,025 75	\$8,168 35	\$5,419 23	\$15,613 33	\$9,462 57
Amador.....	14,331 50	1,735 07	2,588 70	5,186 31	9,510 08	8,593 50
Butte.....	4,911 00	1,684 98	3,710 01	2,836 89	8,231 88	6,541 81
Calaveras.....	13,116 00	1,897 12	3,169 64	4,708 99	9,775 75	7,768 96
Colusa.....	2,525 00	395 76	1,610 36	531 34	2,537 46	2,342 66
Contra Costa.....	9,985 00	1,463 03	1,574 73	3,026 17	6,063 93	5,091 39
Del Norte.....	1,612 00	209 79	404 04	639 62	1,253 45	398 81
El Dorado.....	15,019 47	2,948 31	9,496 41	12,175 81	24,620 53	16,912 84
Fresno.....	.....	39 00	561 00	.....	600 00	600 00
Humboldt.....	3,550 00	697 18	924 46	1,330 73	2,952 37	2,627 63
Klamath.....	500 00	97 68	.....	176 32	274 00	260 00
Lake.....	1,675 00	545 35	59 03	1,512 62	2,117 00	1,570 00
Los Angeles.....	13,245 00	2,117 55	1,434 74	3,793 04	7,345 33	5,619 42
Marin.....	2,501 00	673 77	1,628 22	503 43	2,805 42	2,383 61
Mariposa.....	5,542 75	884 04	2,461 26	1,536 01	4,881 31	3,504 45
Mendocino.....	2,725 00	905 26	432 39	2,904 74	4,242 39	2,441 15
Merced.....	1,000 00	245 31	1,573 99	35 95	1,855 25	1,425 62

EXHIBIT OF THE CONDITION OF THE PUBLIC SCHOOLS—Continued.
During the Year Ending October 31, 1862.

COUNTIES.	Amount Expended in Erection or Repairs of School-houses.....	Amount Expended for School Libraries and Apparatus.....	Amount Expended for all other Purposes, including Rent, etc.....	Total Expenditures for School Purposes.....	COUNTY SUPERINTENDENTS.	
Alameda.....	\$3,184 10	\$71 00	\$1,829 27	\$14,546 94	J. D. Strong.....	
Amador.....	476 69	84 37	341 07	9,495 63	Samuel Page.....	
Butte.....	1,382 82	77 50	229 75	8,231 88	S. B. Osbourn.....	
Calaveras.....	1,412 28	66 66	472 86	9,720 76	Robert Thompson.....	
Colusa.....	75 50	.....	47 00	2,465 16	Charles R. Street.....	
Contra Costa.....	707 00	.....	.....	5,798 39	D. S. Woodruff.....	
Del Norte.....	703 00	.....	57 00	1,158 81	Charles N. Hinekley.....	
El Dorado.....	4,170 48	181 19	1,073 07	22,337 58	M. A. Lynde.....	
Fresno.....	.....	.....	.....	609 00	H. M. Quigley.....	
Humboldt.....	83 98	.....	176 51	2,888 12	Wm. L. Jones.....	
Klamath.....	.....	.....	14 00	274 00	J. H. L. Twambly.....	
Lake.....	502 00	40 00	1 50	2,113 59	W. R. Mathews.....	
Los Angeles.....	1,030 48	.....	111 75	6,761 65	John W. Shore.....	
Marin.....	278 16	27 38	.....	2,689 15	James Miller.....	
Mariposa.....	881 68	82 12	61 00	4,529 25	James R. McCready.....	
Mendocino.....	1,260 00	44 60	72 00	3,817 75	E. R. Budd.....	
Merced.....	19 00	.....	.....	1,444 62	R. B. Huey.....	

Mono.....	770 67	.....	51 00	216 00	C. A. Niles.....
Monterey.....	736 69	.....	46 25	5,070 03	.....
Napa.....	2,464 87	85 00	42 50	5,332 49	A. Higbie.....
Nevada.....	898 41	117 50	146 71	12,549 01	J. A. Chittenden.....
Placer.....	4,517 20	159 00	6 00	9,723 84	A. H. Goodrich.....
Plumas.....	238 05	124 75	4,248 49	1,116 00	A. S. Titus.....
Sacramento.....	12,811 10	408 50	21 38	33,312 68	F. W. Hatch.....
San Bernardino.....	2,421 48	20 00	40 00	2,606 36	A. F. McKinney.....
San Diego.....	538 11	59 00	103 00	560 00	George A. Pendleton.....
San Francisco.....	145 42	51 50	850 85	134,567 35	George A. Tait.....
San Joaquin.....	695 98	140 00	43,702 17	22,431 38	Cyrus Collins.....
San Luis Obispo.....	299 48	15 50	2,533 85	565 75	Alexander Murray.....
San Mateo.....	247 44	25 00	150 75	4,601 98	W. C. Crook.....
Santa Barbara.....	947 75	25 00	.....	2,030 42	Pablo de la Guerra.....
Santa Clara.....	65 00	50	103 00	17,372 90	S. S. Wiles.....
Santa Cruz.....	1,070 33	7 00	33 00	5,030 98	D. J. Haslam.....
Shasta.....	1,676 05	42 00	24 00	3,916 48	Grove K. Godfrey.....
Sierra.....	115 00	177 00	290 88	6,189 94	Wm. C. Pond.....
Siskiyou.....	36 00	5 00	49 00	3,319 50	Thomas N. Stone.....
Solano.....	32 00	.....	591 51	10,309 09	J. W. Hines.....
Sonoma.....	101 00	30 00	491 02	19,068 30	Charles G. Ames.....
Stanislaus.....	93 97	50 00	49 00	2,546 00	A. B. Anderson.....
Sutter.....	906 20	50 00	64 75	2,479 50	J. E. Stevens.....
Tehama.....	1,000 10	8 50	197 50	2,380 67	W. H. Bahney.....
Trinity.....	279 15	.....	.....	3,362 81	F. Walter.....
Tulare.....	.....	.....	197 99	2,823 39	T. O. Ellis, Jr.....
Tuolumne.....	.....	.....	15 00	6,789 95	Charles S. Pease.....
Yolo.....	.....	.....	1,046 38	9,092 45	Henry Gaddis.....
Yuba.....	.....	.....	.....	12,990 53	W. C. Belcher.....
Totals.....	\$49,274 62	\$2,225 57	\$59,479 76	\$441,228 97	

TOTAL AMOUNT OF STATE SCHOOL MONEYS

Apportioned during the Year 1862.

COUNTIES.	January Apportionment, 67,939 Children, at 50 cents each.....	July Apportionment, 67,939 Children, at 61 cents each.....	Total Amount.....
Alameda.....	\$912 50	\$1,113 25	\$2,025 75
Amador.....	839 50	1,024 19	1,863 69
Butte.....	759 00	925 98	1,684 98
Calaveras.....	935 00	1,140 70	2,075 70
Colusa.....	265 00	323 30	588 30
Contra Costa.....	659 00	803 98	1,462 98
Del Norte.....	94 50	115 29	209 79
El Dorado.....	1,291 50	1,575 63	2,867 13
Fresno.....	17 50	21 35	38 85
Humboldt.....	314 00	383 08	697 08
Klamath.....	44 00	53 68	97 68
Lake.....	142 50	173 85	316 35
Los Angeles.....	943 50	1,151 07	2,094 57
Marin.....	303 50	370 27	673 77
Mariposa.....	376 50	459 33	835 83
Mendocino.....	363 50	443 47	806 97
Merced.....	110 50	134 81	245 31
Monterey.....	745 50	909 51	1,655 01
Napa.....	552 00	673 44	1,225 44
Nevada.....	1,104 50	1,347 49	2,451 99
Placer.....	782 00	954 04	1,736 04
Plumas.....	163 00	198 86	361 86
Sacramento.....	2,187 00	2,668 14	4,855 14
San Bernardino.....	471 50	575 23	1,046 73
San Diego.....	155 00	189 10	344 10
San Francisco.....	6,658 00	8,122 76	14,780 76
San Joaquin.....	1,364 50	1,664 69	3,029 19
San Luis Obispo.....	266 00	324 52	590 52
San Mateo.....	354 50	432 49	786 99
Santa Barbara.....	622 00	758 84	1,380 84
Santa Clara.....	1,749 00	2,133 78	3,882 78
Santa Cruz.....	656 00	800 32	1,456 32
Shasta.....	440 00	536 80	976 80
Sierra.....	345 50	421 51	767 01
Siskiyou.....	328 00	400 16	728 16
Solano.....	941 00	1,148 02	2,089 02
Sonoma.....	1,794 00	2,188 68	3,982 68
Stanislaus.....	207 50	253 15	460 65
Sutter.....	389 00	474 58	863 58
Tehama.....	281 50	343 43	624 93
Trinity.....	157 00	191 54	348 54
Tulare.....	430 00	524 60	954 60
Tuolumne.....	860 50	1,049 81	1,910 31
Yolo.....	631 00	769 82	1,400 82
Yuba.....	962 50	1,174 25	2,136 75
Totals.....	\$33,969 50	\$41,442 79	\$75,412 29

67,939 Children, at \$1 11 each, \$75,412 29.

APPENDIX.

REPORTS

FROM

COUNTY SUPERINTENDENTS.

AMADOR COUNTY.

SAMUEL PAGE.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR :—In compliance with instructions from your department, I submit the following report :

Notwithstanding the disadvantages we have labored under this year, we are enabled to report a better condition of the Common Schools of this county. Average length of term—six months ; far less than it should be, yet an improvement on last year. Average attendance, about one third of the whole number enumerated between the ages of four and eighteen.

Districts.—There has been organized two new Districts, and one (Union Church) disorganized, which places our number at twenty-three. We would like to have large Districts if all could have the advantage of the Public School, but to give them this, we must have small Districts, consequently a shorter term and more expense to the patrons.

School-houses.—There has been one School-house built, and one is in process of erection ; others have undergone needed repairs, and have been supplied with charts, outline maps, globes, and black boards ; every School-house has one or more of the latter. We think the “movable planeisphere” far superior to the celestial globe for the study of astronomy. Every one that intends to teach should have one.

Grade of Schools.—Three Grammar, sixteen Mixed, and six Primary. In addition to Jackson and Ione Districts, Volcano has sustained two Schools a part of the year.

Teachers' Age and Experience.—Age of males, from twenty to sixty years ; females, from seventeen to thirty ; average about twenty-nine.

Average time of experience in School teaching, three and one seventh years; males, from three months to twenty-two years; females, from three months to six years.

Examination.—We have been present at several examinations which were a credit to Teachers and pupils concerned, and were witnessed by many patrons and friends of education. Reviews have been had in near or quite all of the Schools of the county, exhibiting steady progress.

Length of Term.—Schools have been sustained from three to nine and three fourths months. We are glad to find on examination that it exceeds the average of last year.

Finances of Schools.—We have received from the State one thousand seven hundred and thirty-five dollars and thirty-seven cents (\$1,735 37)—less than any year since eighteen hundred and fifty-eight; *I suppose our Legislature can account for this*; from the county, two thousand five hundred and eighty-eight dollars and seventy cents, (\$2,588 70.) and by rate bill and private subscription, five thousand one hundred and eighty-six dollars and thirty-one cents, (\$5,186 31.) an excess over State and county funds combined, of eight hundred and sixty-two dollars and twenty-eight cents (\$862 28.)

Total Receipts and Expenditures.—Total receipts for School purposes, nine thousand five hundred and ten dollars and thirty-eight cents (\$9,510 38;) expenditures, nine thousand four hundred and ninety-five dollars and sixty-three cents (\$9,495 63.)

Tax.—This year the county levy for School purposes has been doubled. We will reap the benefit of this in the coming year. It will not increase the proceeds from this county in the same proportion, as I see by the Assessor's returns we have over one half million *less* taxable property than last year. Fire and flood have caused great devastation with us. By the former, Jackson and a part of Sutter Creek and Volcano were laid in ruins—loss five hundred thousand dollars (\$500,000;) by the latter, as much more.

Improve Finances.—Empower the Board of Supervisors of each county to levy a tax sufficient, with that received from the State, to sustain a *Free School* in each District at least six months. It would work well with the law so amended as to require a legal term of six instead of three months, as the law now reads.

How Trustees perform their Duties.—Some perform their duties well and cheerfully; others, very indifferently. In some Districts the patrons have so much interest in their School, that nearly all are anxious to share the responsibilities of Trustees, and in others, they would hardly know who were Trustees, and the difference in the progress is in proportion. We are led to believe that a majority of the Trustees have an imperfect record of their transactions.

Improvements Needed.—We need a State law to regulate the text books of our Common Schools; if this cannot be had, have one empowering the County Superintendent of each county to call a convention in his respective jurisdiction, and a majority of Teachers in convention assembled, to decide upon the kind of text books to be used in each respective county, and not subject to change under five years, unless by consent of three fourths of all of the county Teachers holding certificates less than one year from date. Districts not complying with the decision of the convention, to forfeit their *pro rata* of School Funds. We hope the School law will be so amended as to empower the County Superintendent to grant certificates to qualified applicants, such continuing in force only

until the first regular meeting of the County Board of Examiners thereafter in the county.

Every School District needs a library. We intend to have them if our legislators will give us a chance to decide upon the kind of text books to be used. Ione has a very good library of text books. Every School should be in possession of a copy of Webster's Unabridged Pictorial Dictionary, to be found at the Teacher's desk when in session, at other times taken charge of by the Trustees. For a text book, the academic or royal octavo size should be used. We found the dictionary studied as a text book in but one (Drytown) School; in this, and some three others, the Bible was read.

Writing.—The manner pupils are allowed to write in some of our Schools, proves far worse than useless. They should not be allowed to write at all without the position of hand and body were right; also, to be well practiced in the principles by free use of the black board.

We would like to see improvement in the methods of teaching orthography, reading, writing, and mental arithmetic. If the pupils are well grounded in these, they will surely succeed in the higher branches; without this, the foundation will be faulty. We believe the establishment of County Teachers' Institutes and Conventions will work a reform sooner than by most other means. Our first was convened on the thirtieth ultimo, at Jackson. It exceeded our expectations. We had a general attendance of Teachers, some few Trustees, and many friends of education. All participated in the exercises. Throughout the day, the best methods of instructing in the elementary branches were exhibited, and in the evening lectures were delivered on the subject of education. Under this head it would be useless to add more. We believe our defects would be mostly remedied if we had sufficient motive power—"money." Let us have it; we believe the people are ready and willing to grant it. Let us have *Free Schools* at least six months, and require a legal term of six, instead of three. The duty is imperative on the councils of county, State, and nation, to provide for the proper education of its youth, even as much as for the felon and indigent adult. Our tax would be light compared with that required in the future to provide for the necessary excess incurred from our former omission in not providing a liberal education.

I take this opportunity to return you my most sincere thanks for the aid you have rendered me in my official capacity, and we sincerely regret to part with your valuable services as State Superintendent of Public Instruction. You have done much for the cause of education in our fair young land, for which our youth owe you a debt of gratitude, though, perhaps, not realized now, but will be appreciated hereafter.

SAMUEL PAGE,
Sup't of Public Schools of Amador County.

CALAVERAS COUNTY.

ROBERT THOMPSON.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR :—There are a few matters connected with the subject of education of which I wish to speak, and although I have received no blanks for an appendix, I thought it might not come amiss to communicate to you with my annual report a few suggestions.

Our School system is a good one, and has been well started, but it is by no means perfect. We have made rapid progress, but it must of necessity take many years to make a School system what it should be in a new State. There are so many calls from other matters, that the Schools are liable to be neglected, or their improvement postponed to some future time. We now, however, have arrived to that age when our attention, as a State, should be turned more actively to our Schools. Our roads have been graded; our public buildings erected; our dwellings provided; and the many improvements incident to a new country have been generally made. The people of our State are, therefore, relieved in a great measure of those heavy burdens they have had to carry heretofore, and can now afford to do more for the rising generation.

The standing of our State for generations to come is to be fixed by us. It is for us to put it in the front rank, or let it fall to the tenth. Those to be educated by us will soon be in our places, managing the Schools of the State, and if we give them a good education, they will give their children a good education, and so on, and hence our efforts will continue to bless our State long after we shall have passed off the stage of action. But, on the other hand, if we neglect the education of those committed to our charge, and allow them to grow up in ignorance, they will consider education of a trifling value, and will allow their children to grow up also in ignorance, and our neglect will visit on the future unnumbered evils. The prosperity of our State does not so much depend on the amount of gold we dig, or grain we grow, as on the mental and moral standing of its inhabitants. There is no danger but a people will be prosperous and happy when the masses are well mentally and morally educated. Virtue and intelligence drive poverty and wretchedness from their presence. But poverty and wretchedness invade all lands where virtue and intelligence are not found. Intelligence governs the world, while virtue makes her deal out equal justice to all. Take virtue from intelligence, and you have a powerful ruler without a conscience. He has power, but is the more dangerous for it. Hence *moral* must go with *mental* culture. The two are the great foundations on which all must build, in order to be permanently prosperous and happy. Prosperity and happiness are sure to follow them wherever they travel, and if in our State we bequeath to the future generations prosperity and happiness, we must do it by sending intelligence and virtue to prepare the way. If we desire our children to be happy, we must teach them to be virtuous, for happiness depends on virtue; and if we wish them to be prosperous, we must make them intelligent, for prosperity arises from intelligence. What is true of an individual, will hold true of a State or nation. There is only one place where the masses can be fitted for

prosperity and happiness, and that is, in the Common School. There are a small part of our children who are taught moral lessons in the Sabbath School, but it is only a small portion, and even that small portion for only one hour a week; hence we must depend on our Common Schools for moral training, or the masses will not have it. If we depend upon parents alone, thousands will neglect their duty, and a moral pestilence will be in our land directly. We are driven to the Common School, turn which way we will. It is our only hope; hence its importance. It should have our first thought in the morning, and our evening prayer should be said for its success.

The Common Schools in California are doing their work only tolerably well. They should be made to do better, and I propose to speak briefly of a few improvements which I think would, if made, very materially aid them.

They should be *free* Schools. Outside a few cities we have no *free* Schools in the State. Parents have to pay from one to two dollars per month for rate bills for each scholar, in order to have the Schools continue long enough to amount to any thing. This is burdensome on parents who have large families, and large numbers are out of School in consequence. Counties should be compelled to levy a School tax of at least twenty-five cents on the hundred dollars, and be allowed to increase it to at least fifty cents. Only about one half of the expenditures for School purposes in Calaveras County are derived from the State and County. The balance comes by rate bills and contributions. The property of the man who has no children is enhanced in value and protected as much by education as that of the man who has a family of children, and why should not the property of the one pay as much as the other towards that education? I can see no reason, nor have I ever heard a good reason given. It seems to me a short sighted policy that withholds a liberal support from our Schools. States and nations that have well educated the masses, have arisen to eminence and power; while those nations wherein the masses have been neglected, have sunk to degradation and poverty. We find poverty and wretchedness confined almost exclusively to the ignorant. We never hear of starvation or great sufferings in the central portions of Europe, where all are educated by a tax levied on property; it is only in those parts where the Governments do not provide the means to educate the masses, and ignorance in consequence prevails. To reap all the benefits of *free* Schools, we must have *free* Schools. It cannot be done when they are only partially free. As well might the farmer expect a whole crop when he sows for only a half.

If we do not do liberally for our Common Schools, we must do liberally for our poor-houses and prisons. We have to expend for the latter now, large sums, but it is not to provide for those reared in School. If they had been well mentally and morally trained, they would not be in either poor-house or prison. If you find one in either who has had a good Common School education, it is an exception to the general rule. Do Prussia and Scotland furnish our poor-houses and prisons with inmates? If not, why? There is but one answer: the masses there are well educated. The experience of the past has clearly shown that Free Schools are a blessing to any State or nation. They keep the people on an equal footing. A democracy will soon run into an aristocracy when education is not general. Education gives power to its possessor, and if only a portion are educated, only a portion have that power, and will be sure to rule. In the countries where only a portion are educated, you

hear of large landed estates, and of lords and dukes; but where all are schooled, you find property more evenly distributed, and titles not so common.

I am sorry that at this late day we are compelled to enter into an argument to show that the property of the State should educate the children of the State. All must know that unless this is done, many will be deprived of an education, for it is the only certain way of making education general. Before our School system is effectual to do the work it was designed to do, it must be so changed that Schools can depend on property tax, and not on rate bills. The prosperity of our State can be more permanently promoted by thus changing our School system, than by any one thing else.

It may take years to effect this change, but the friends of education must not cease their labors until it is accomplished. Until that change is made, Schools will be continually embarrassed, and the blessings of Free Schools only partially realized.

Rate bills may always be necessary in some places where there are but few children, and I would therefore recommend an amendment to the thirty-first section of our School law, so that it shall become the duty of Trustees to estimate the rates in advance, and empower them to collect them, at least monthly, in advance. Trustees cannot provide good Schools unless they are furnished the means to pay the expenses, and where they have to depend on collections to be made for back rates, they are continually embarrassed and annoyed.

As I anticipated, the change in the law relating to the examination of Teachers, proves excellent. Teachers now, knowing that they are to come together once a year for an examination, feel a pride in being well posted in the various branches taught in our Schools, and are continually reviewing their studies with reference to this examination.

Our Teachers this year showed a much greater familiarity with the branches on which they were examined than they ever have before. I attribute this improvement in the main to a public examination by a Board of Examiners.

I think there should be a change or provision in the School law, so that when a School District is divided during the year, that the School Fund belonging to that District could be divided also. Great injustice is often done under the present law.

The Schools in Calaveras County have gradually improved, but their improvement is slow to what it would be if they were free. Trusting that the day may soon dawn which shall usher *Free Schools* into California, and hoping we may ever have one as able as yourself at their head, I close by wishing you as good success in private life as you have had for the past years in your official capacity of Superintendent of Public Instruction.

ROBERT THOMPSON,
Sup't of Public Schools of Calaveras County.

COLUSA COUNTY.

CHARLES R. STREET.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—In addition to my report, which embodies the facts required to be reported, as taken from the papers on file in my office, I will make such comments on the condition of the Public Schools in Colusa County as it appears to me the case requires.

The Public Schools in this county are not in a very prosperous condition. Out of the fourteen Districts in the county, nine Districts have supported one or more Schools for a period of three months or more during the last school year, have made their reports in proper form to me, and are therefore entitled to their share of the public moneys for the ensuing School year. One District (Grand Island Central,) has maintained a School for the length of time required by law, and all the requirements of the law have been complied with, except that the Trustees of the District have neglected to make their report within the prescribed time. It is hoped that the Department will permit the report from this District to be filed, and that the children of the District will not be made sufferers on account of the very censurable neglect of the Trustees. Four other Districts, being Spring Valley, Butte, Grand Island No. 2, and Colusa No. 2, have not maintained a School for as long a period as three months; and, with the exception of Colusa No. 2, I am not aware that they have had any School. I will say in this connection, that the sections of the county where no Schools have been maintained suffered severely last winter from the floods. The loss of property and impaired resources of the citizens has doubtless had much to do in damaging the prosperity of the Public Schools. It is my opinion, however, that these several Districts will all maintain Schools for at least a period of three months during the ensuing year—the county having to a great extent recovered from the losses of last winter, and assumed an encouraging degree of prosperity.

The Trustees in the School Districts, with few exceptions, manifest but little interest in their Schools. I think it an unfortunate provision of the law, which requires the election of three Trustees; one public officer charged with the duties now conferred on three Trustees would, in my opinion, perform the duties with greater promptness and efficiency. The benefits resulting from a division of the responsibility among three persons is, I think, more than counterbalanced by the evils of neglect and procrastination resulting from one Trustree waiting for the other to act, and the petty rivalries growing out of local interests.

There are at this date only four Schools in operation in Colusa County. They are in the following Districts: Grand Island No. 3, Princeton, Union, and Stony Creek. Many other Schools will, however, be commenced in a few days, or as soon as competent Teachers can be procured. The Teachers who have been engaged in the business of teaching in this county, are, some of them, well qualified—others indifferently so. I shall not, so far as my authority goes, grant certificates to incompetent applicants.

The School-houses are, with some few exceptions, deficient in the essen-

tials of a modern School-house. They are usually large enough, but not finished. Nearly all are destitute of suitable desks and School furniture. Globes and outline maps are much needed. School-houses, instead of being surrounded by tastefully improved grounds, inclosed by a substantial fence, are too often built on the open highway, and present a barren, uninviting aspect; but, as the country improves, doubtless School-houses will also improve. A School should be maintained in every District in the county for at least six months in the year. Instead of applying all the public money on a term of three months, it should be applied on six months, or longer, raising the balance of the money required by rate bill on the parents or guardians of the children attending.

Many of the School Teachers that have heretofore been employed in this part of the country have been very incompetent persons, who should not be intrusted with the delicate and responsible duty of training the youthful mind. This incompetency has not consisted so much in a lack of education in the branches of study taught in our Schools, as in other and often wholly neglected qualifications. The man who, no matter how well qualified he may be as to a knowledge of text books, possesses such an irritable disposition that he cannot calmly, clearly, and pleasantly explain to the child what it cannot otherwise understand, commanding the respect and love of his pupils by his correct and winning manners, is by nature unfitted for the business in which he is engaged. Neither do I think a person fit to teach whose life and daily habits are not examples of excellence. One who uses vulgar language, interspersing his usual talk with miserable California slang phrases; whose breath is redolent with the fumes of bad whisky; whose chief employment consists in irrigating the floor of the School room with a villainous compound of tobacco juice, and whose person and wardrobe are as filthy as his tongue—no matter how much such a person may know, he is not fit to train up our youth in the way they should go. Such Teachers have brought the Public Schools and the business of teaching into disrepute in California. It is, however, a subject for congratulation that this class of Teachers are fast disappearing; and I trust it will not be long ere public opinion will entirely banish them from a position where they can exercise such a pernicious influence on the youth of the country.

There is another matter which it is, perhaps, my duty to mention, and that is, the neglect of School officers in the various Districts to comply with the law in regard to making out and filing reports with the County Superintendent. Trustees in many cases fail to take the oath of office and to file the return of their election with me, giving rise to embarrassing questions as to the legality of their acts. Where Trustees are elected who refuse to serve, the Superintendent should be notified of the fact, in order that others may be appointed who will serve.

The section of the law which forbids the Superintendent drawing warrants on the public money for the payment of a Teacher's salary until his report is properly made out and filed, will hereafter be strictly complied with.

With high regard,

I am your most obedient servant,

CHARLES R. STREET,
Sup't of Public Schools of Colusa County

CONTRA COSTA COUNTY.

D. S. WOODRUFF.....Superintendent.

HON. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR :—In compliance with instructions from your department, I report as follows :

By the census recently taken by the School Marshals, it will be seen that the number of children between four and eighteen years of age is :

Boys.....	877
Girls.....	779
Total	1,656

Under four years of age.....	601
Between eighteen and twenty.....	60
Born in California.....	1,751
Deaf and Dumb.....	
Blind.....	1
Enrolled Pupils.....	645
Average in daily attendance.....	382
Number of Schools in the county.....	21
Total number of Boys taught in county.....	386
Total number of Girls taught in county.....	259
Cost or value of School-houses and furniture.....	\$9,985 00

Amount of School Fund received from State.....	\$1,463 03
Amount of School Fund received from county taxes.....	1,574 73
Amount raised in Districts, by tax, rate-bill, and private subscription.....	1,885 36
Total receipts for School purposes	\$5,898 71

Amount paid for Teachers' salaries.....	\$4,152 08
Amount expended in erection or repairs of School-houses.....	707 00
Amount expended for School libraries and apparatus.....	
Amount expended for all purposes, including rent.....	
Total expenditures for School purposes.....	\$5,798 39

The average daily attendance of the pupils in the several Schools in this county has increased, but the total receipts are a little less than last year, making the sum but a pittance to what is needed to carry on the Schools as they should be. Want of means is the first, second, and third reasons why the scholars forget, during the six months they remain at home, more than half what they learn in the three and six months they attend School.

Two new Districts have been formed. Moraga and Green Valley Districts; the last of which has a neat and conveniently arranged School-house, situated on a gentle elevation, under the shade of a beautiful oak. It has a large map of the United States and Territories, six or eight feet square; also, a fine black-board the entire length of one side of the room. The house cost five hundred dollars, and as far as taste, comfort, and convenience is concerned, it cannot but be an attractive place for the young, and is a credit to the District.

Those Schools where the old Teachers are retained, the children have made greater progress than those where they are constantly changing Teachers; and this is but natural.

I think that there is not enough pains taken to entice the uneducated boys and young men of the native stock to attend the Public Schools. Many of them learn quickly when they attend school, but it requires a great effort to keep them there, and it seems to me that they are going to furnish material for a little better than banditti as they reach maturity, unless they can be persuaded to attend School more regularly, thus filling the rich soil of their minds with good, instead of leaving it to grow to thorns and brambles.

In my opinion, the nail will not be hit fairly upon the head, in the cause of education, until children are compelled by law to attend School so much every year, and as many years as may be necessary to give them a common education—the requisite means being furnished by the State for keeping up Schools as they should be, furnishing the School rooms with the necessary apparatus—in short, making it an attractive place for the young.

The Board of Supervisors are willing to compensate those Teachers who act on the Board of Examination. This is but an act of simple justice, as few of them are able to tender their services gratuitously, even in support of a cause in which their hearts are so much enlisted.

I think that legislative interposition is required in the case of the pay of County Superintendents. The maxim, "The laborer is worthy of his hire," is just as true now as when first uttered by our Savior, eighteen hundred years ago.

It is folly for him (the Superintendent) to think of leaving his own business every few days, as he should do, to attend and encourage by his sympathy and co-operation the Teachers in the different Schools, for the miserable pittance he receives in this county; less by considerable than would pay a common farm laborer he would be obliged to hire during his absence from home. Such facts are enough to cool the enthusiasm of the most ardent, yet they are *blunt facts*, and facts are *stubborn things*.

One thing more. Cannot the Legislature be persuaded to adopt some means for a system of Free Schools—one, at least, in each county? (Better say all.) Then the burden of education would be equal on all property in the State. Some might argue that they might just as well compel me to buy my neighbor's children hats and shoes as to School them—a remark which I have occasionally heard made. But a few dol-

lars, my dear friends with dropsical purses, spent in schooling many of those children, while small, to honor and usefulness, would save those same purses of yours many dollars; so that the gain would be yours pecuniarily—as you might just as well *school* your neighbor's children as to support them after they shall have become “jail or prison birds.”

Wishing you complete success in all efforts for the promotion and diffusion of knowledge in our State, I remain yours faithfully in the cause of education.

Respectfully submitted.

D. S. WOODRUFF,
Sup't of Public Schools of Contra Costa County.

DEL NORTE COUNTY.

CHARLES N. HINCKLEYSuperintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—In compliance with instructions from your department, I have to report, as follows :

School Lands.—With reference to School Lands, I do not learn of any change worthy of note from report of former Superintendents.

School Sections covered by Mexican Grants.—There are none in the county.

Number of School-houses in County.—Two. The house in Crescent District has been built the present year. Its size is forty by twenty-four, fourteen feet high; has two anterooms, five by ten. It is built of wood, framed and weather boarded, plastered within, and painted; desks are double, plain in their style. The ventilation is secured, or intended to be, by lowering the upper half of window, or raising the lower. It is heated by stove. The location is the best in town. A whole block was donated by Hon. E. Mason, present Judge of the county. The house will furnish a good and suitable place to impart instruction to the children of Crescent City for some years.

The School-house in Bradford District is a wooden building—I should think about thirty by twenty; walls bare, outside and in. Ventilated by cracks in the wall, and some half dozen panes of glass out from the windows. Desks, improper in construction—inferior in quality. Warmed by stove. The house is not the only thing that is neglected. I am sorry to say, the Trustees have failed to make their annual report. I was not much surprised, however, when I saw the condition they suffered the house to be in where their children receive daily instruction.

Attendance at School.—Non-attendance is generally caused by distance from School, and stormy weather; the latter of which exceeds, in this locality, any portion of the State I have visited.

Grade of Schools.—Not graded; not large enough for two Teachers.

Age of Teachers.—One nineteen, another twenty-eight. The third, rather sensitive on this point; does not tell, as he is a single man; do not like to urge him.

How many design to make Teaching a permanent professsion.—None. With one exception, perhaps, the friends of education will approve their purpose.

Capacity of Teachers.—I should think, second class, one; third class, two.

Experience in Teaching—How many Years.—One, eight years; one, three years; one, six months.

Examinations, Exhibitions, Visits by Parents, Etc.—Having been but a little time Superintendent, I have visited but one School; and, indeed, there is but one taught at this time in the county. There has been no examination or exhibition in this since I entered upon my time. The School is occasionally visited by parents and guardians; not as frequently as is desirable and beneficial.

Number of Months each School has been kept open.—You will find this in report.

Remarks on the Finances of the Schools.—By assessing a certain sum per month on each scholar.

How Trustees perform their Duties.—Some, well; some, fair; others, badly

Number of Private or Independent Schools, Academies, and Colleges, in the County.—None.

CHARLES M. HINCKLEY,
Sup't of Public Schools of Del Norte County.

EL DORADO COUNTY.

M. A. LYNDE.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction:

SIR:—By reference to the statistical report already transmitted, you will gather a tolerably correct knowledge of the condition of the Public Schools of this county for the past year. I have received returns from all the Districts, and though some of them are imperfect, and need correction, yet they present evidence of an enhanced interest in the cause of education, and of a determination to provide increasing facilities for its promotion. By comparing the present with my report transmitted November twentieth, eighteen hundred and sixty-one, it will be seen that the increase of children between the ages of four and eighteen years, has been four hundred and eighty-five—the present number being three thousand and sixty-eight. Also, that the increase of children under four years of age has been sixty-seven—the present number being twelve hundred and fifty-eight. An increase of eleven appears in the number between eighteen and twenty-one—the present number being one hundred and twenty-seven.

The number of children reported this year, born in California, exhibits an increase of one thousand three hundred and twelve—the present number being two thousand five hundred and forty-three.

An increase of two in the number of deaf and dumb is reported—there being four in all, and one blind. These unfortunate children will, if practicable, be placed at those institutions designed for their education.

The number of pupils enrolled in our Schools the past year, is one thousand nine hundred and thirty-three—being an increase of six hundred and eleven over the number enrolled the previous year, and though

this presents a gratifying advancement, yet the pleasure thus afforded is marred by the consideration that one thousand one hundred and thirty-five children, between four and eighteen years of age, have not enjoyed the advantages incident to attendance on our Public Schools. This result is attributable partly to the great extent of some of our Districts, it being such as to render attendance at School, by a large part of the children, impracticable. It is proposed to remedy this evil by dividing these large Districts, judiciously, into two or more, and thus bring the School within the reach of all. It is also true, that while the distance presents no obstacle to the attendance of many, poverty does. Many are unable to pay the regular weekly or monthly charge for tuition, and are too proud to accept the legal provision in such cases provided. This class of children and families should receive the kind sympathy and prompt attention of Trustees and Teachers, who, while the State, whose legitimate business it is, neglects to fully provide for the free education of the indigent, should see to it that these are gathered into our Schools, and placed under those influences calculated to prepare them for duty, usefulness, and happiness.

Another cause of the non-attendance of so many at our Schools, and the most lamentable and only culpable one, is the indifference of some parents, who reason that because they never went to School a day in their lives, and have succeeded in making money without education, therefore their children can.

I have sometimes thought that a law, compelling such to educate their children, would be a righteous one, but while such an enactment might favorably affect the children in some respects, a greater good would be secured could the parents be so influenced as voluntarily to afford the requisite advantages. And here is a work for Teachers in particular. One to be accomplished by direct and indirect means; direct, in that he can visit and mingle with this class, secure their esteem and confidence, exercise the power that knowledge gives, in winning them to its paths—in short, rendering practical "*ad hoc* genus," the great law of love; indirect, by exhibiting, in the persons of those under his daily care, as pupils, a class of children superior in manners, mind, and morals, to those never brought under School influences. Such a contrast will have a weighty influence over the above named class of parents by leading them to inquire into the causes of this difference, and such inquiry, in very many instances, will produce its legitimate fruit, in the shape of an appreciation of education, and correspondent action. Results effected by these means will be far better, in all respects, than those secured by a compulsory law, in that they will be radical and permanent, and any other results than of this kind, in the modification of character, are undesirable.

But, while the number of children enrolled as having attended our Public Schools the past year shows a gratifying increase over the previous one, the average attendance is far short of what it should be, and amounts to but about one fourth the entire number of children. This is an evidence of the prevalence of that evil so much and so reasonably complained of in all our Public Schools, "irregularity in attendance." The remedy for which, in a great measure, will be found in an abundant supply of those School facilities which render attendance there attractive and comfortable—such as kind, faithful, and well qualified Teachers, substantial and comfortable school-houses, with pleasant surroundings, an abundance of pure water for drinking and bathing, and such arrangements for exercise as contribute to the healthful development of the

physical system. These things induce, in children, a fondness for School. They love to be there. It is home-like; and, in many instances, better than home to them. Their smiling faces, their nimble step, their joyous laugh, their ready obedience, evince their appreciation of these comforts. Every School District should, therefore, make it a matter of primary import to furnish them.

The number of School Districts organized at the beginning of this School year, (November first,) is thirty-seven, two having been created the past year, and one, thought to be extinct at the beginning of last year, has been re-organized, and three more are in process of organization, when the number will be forty, the largest number in any county of the State, except one—San Joaquin. The number of months, in aggregate, during which School has been maintained, is two hundred and twenty-two and one half, or an increase over last year of thirty-three and one half months; thus, the work accomplished in all our Schools the last year is equal to twenty-two and seven twentieths scholastic years of ten months each. How much precious time has thus been devoted to the interests of our youth! And the question becomes a momentous one—has all this precious time been so devoted as to leave those upon whom it has been spent in a far more elevated position morally, intellectually, and physically? This is necessarily the legitimate result of time properly spent and labor faithfully bestowed in the effort to develop the latent energies that are to bless the world by their civilizing influence. The aggregate experience in their profession of all the Teachers in our county the past year, is one hundred and fifty-nine and one half years, and the average experience is three and eight fifteenths years.

The School-houses of our county are all built of wood, and many of them are very inferior structures, totally unfit for the purposes intended. Parents and Trustees compel their children to occupy, week after week, for successive months and years, tenements which they themselves would not inhabit, and would hardly deem suitable for their horses and cattle; houses built without the least regard to the physical necessities of the beings to inhabit them; having no protection against cold or heat, wet or dry weather, and with surroundings as barren and unattractive as the deserts of Africa. How can children be expected to love their School; to tread with alacrity and joy the path that leads to it; to grow up with refined and cultivated tastes; to believe in what their parents and Teachers say about the value of education above every other treasure, when the provision made for attaining these great ends is so meagre; when the places where they spend more of their time than in the society of their parents, differ so very widely in most instances from their legitimate homes? It is unreasonable to expect it, and yet, in spite of all these unfavorable influences, such is the character of our California youth for energy and endurance, for native intelligence and appreciation of mental culture, that some of the great ends of our Public School system are attained. But a change is taking place in reference to the quality of our School-houses. In many of our Districts a commendable pride is beginning to manifest itself, and the old School-houses, by repairs and changes, begin to exhibit a neat and comfortable appearance, or their places supplied with new structures. Coloma, Georgetown, Smith's Flat, and Indian Diggings, are worthy of mention in this regard, also Placerville Number 1, Newtown, and Pleasant Valley, in which Districts the citizens have shown much liberality and good taste in the erection of substantial and convenient buildings for School pur-

poses, and, from present indications, many of our Districts will, the coming year, follow their example. The total value of the School buildings and furniture in our county, at the close of the year ending October thirty-first, was fifteen thousand and nineteen dollars, (\$15,019,) being an increase over that reported the previous year of three thousand two hundred and thirty dollars, (\$3,230,) exhibiting a gratifying advancement in this very material element of educational prosperity. The amount of State funds received for our county the past year, ending October thirty-first, is two thousand nine hundred and forty-eight dollars and thirty-one cents, (\$2,948 31,) being one dollar and eighteen cents (\$1 18) for each child in the county between the ages of four and eighteen years, and this amount equally divided among our School Districts, would give to each one eighty-six dollars and seventy-two cents, (\$86 72,) which amount, according to the average paid per month for Teachers' wages in the State, would sustain our Schools (as far as this item of expense is concerned) one and one third months each. It will be remembered that the State School Fund is, by law, applicable only to the payment of Teachers' wages. This exhibit shows the very meagre provision made by our State for the education of our youth. Were it not for the liberal appropriations of our county authorities, and the contributions of parents and citizens, in the shape of tuition and donations, what would become of these all important interests—of education? All important, I say, because vitally associated in deciding what is to be the character for virtue and intelligence of the succeeding generation. Is it generally known to the citizens of this great commonwealth how little attention is given by those whom their suffrages have raised to positions of authority and trust, to the most weighty of all considerations for a free people—the education of the young? Our State Government must awake to this subject in earnest, or the time will come when the material on which to build a stable government will be wanting. The State should be regarded in the relation of a parent to each child in it, so far as providing the means necessary to prepare it for the most useful citizenship is concerned. Our legislators and State officers ought to make this care a radical one. It should be second to none in legislative, judicial, and executive deliberations. I trust the day is not far off when candidates for State official preferment, will receive the same *chiefly* from a popular conviction that the great interests of our youth will receive due attention at their hands; that the people's time and the people's money will be expended for the promotion of the highest and best interests of the people, and not for the attainment of selfish ends, in the shape of wealth or political advancement.

Our noble county has done nobly the past year in liberal appropriations for the good of our children, thanks to the wisdom and foresight of our honorable Board of Supervisors. They understand the popular wish and their responsibility in this regard, and possess the firmness to meet them. The amount appropriated by them the last year for School purposes is nine thousand four hundred and fifty-six dollars (\$9,456.) And could they look into our Schools from day to day, and week to week, and see how many young hearts they have made glad, by affording them the facilities for the acquisition of knowledge, they would feel abundantly compensated.

The amount raised in the different School Districts by tax, rate bills, and private subscription, during the year is six thousand six hundred and twenty-six dollars (\$6,626;) and in this large amount thus raised, we think

we find an evidence of the popularity of educational measures. The voice of the people cries—educate! educate! and it will be well for the people's servants to respect that voice and obey it. The total receipts for School purposes in the county have been nineteen thousand four hundred and sixty-six dollars, (\$19,466.) This amount, equally distributed among the Districts, would give to each five hundred and fifty-three dollars, (\$553.) But our small Districts with a very limited and scattered population, receive a comparatively small share of public funds, and hence are able to maintain their Schools only a small part of the year. These Districts should receive the especial fostering care of all from whom it is due, and I shall advise some special provision for their benefit from our State and County authorities.

The amount paid for Teachers' salaries during the year is sixteen thousand nine hundred and twelve dollars, (\$16,912;) and while *some* of this amount has been injudiciously expended by Trustees, in payment of Teachers who are Teachers only in name, while many of the essential qualities of good Teachers are wanting, yet *generally* it has been bestowed on those who have faithfully fulfilled their duty and performed efficient service.

The amount expended in the erection and repairs of School-houses is four thousand one hundred and seventy dollars, (\$4,170,) and I am most happy to be able to report that while much remains to be done in this department, a most gratifying advance has been made.

The amount expended for Libraries and School Apparatus has been far below the great importance of the subject—only one hundred and eighty-one dollars (\$181) has been expended in this channel of School facilities. This means for the improvement of our youth must and will receive more attention. Besides the amount above mentioned as expended for School purposes, there has been an outlay of one thousand and seventy-three dollars (\$1,073) for incidentals, making the entire amount bestowed for School purposes, twenty-two thousand two hundred and seventy-two dollars, (\$22,272.)

In conclusion, permit me to say, that many encouraging indications prevail of such a change in public opinion as to the great interest of education as will no doubt lead to a higher standard of qualifications on the part of our Teachers, and the more liberal expenditure of means in providing facilities for thoroughly and harmoniously developing the latent energies of our youth. To the Teachers of our State vast responsibilities are entrusted—no class or profession has greater; hence appears the wisdom and foresight of our Legislature in providing for a Normal School to train young ladies and gentlemen for the profession of Teacher. Probably in no possible way could a portion of our State funds be expended more profitably—no investment of public funds will yield a larger increase. Did time permit, I would offer some suggestions in regard to the Public Lands, amendments to our School laws, so as to give more power to the Board of Supervisors to make appropriations for School purposes, uniformity of text books, etc., but these matters very properly come under the supervision of our Legislature and State Superintendent, from whom, no doubt, they will receive the attention their importance demands.

Very respectfully yours,

M. A. LYNDE,
Supt. of Public Schools of El Dorado County.

MARIN COUNTY.

JAMES MILLER.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—In accordance with instructions from your department, I have the honor to submit the following annual report of the condition, efficacy, etc., of the Public Schools of Marin County :

School Lands.—The County Surveyor is not cognizant of the existence of any Sections of School Lands in this county—as yet, no survey having been made.

School-Houses.—There are eleven School-houses in this county. They present a rather forbidding exterior aspect, being poorly finished frame buildings, lacking even the counterbalancing grace of the paint brush. Their interior is less offensive to the eye, being tolerably well furnished, with stoves, desks, benches, and chairs. When they shall be possessed of the means and ways to act, the Trustees will remedy all defects in the School-houses.

Attendance at School.—Much improved since last year. The peculiar geographical features of this mountainous county render it difficult for any considerable number of families to settle in such convenient proximity to each other that their children may attend regularly at the same School. All those children situated in the immediate vicinity of the School-house, attend with a plausible degree of uniformity. While those situated at any considerable distance devote but the summer months to the cultivation of their intellects.

How Trustees perform their Duties.—With commendable solicitude for the welfare of all the youth under their care. They all manifest a desire of having their Schools prosper, though but few are sensible of the dire responsibilities of their office, being, in general, wholly unacquainted, or as yet, but initiates to this system of education. In those Districts where the Trustees have children attending the School, there is much more economy exercised in disbursing the public funds than in those where the Trustees have no direct interest in the School.

How Teachers perform their Duties.—Some do full justice to all concerned, others perform their duties but indifferently. Those who have chosen teaching as a permanent profession appear to make greater progress with their Schools than those do who follow the business, through necessity, for the present.

Finances.—The amount of public funds received was scarcely sufficient, in some Districts, to pay the Teacher's salary during two months. The County Supervisors have imposed a tax of twenty (20) cents on each one hundred dollars (\$100) in the county, for the benefit of our Schools. This will be double the amount of last year, and, as a matter of course, will be an eternal benefit in the permanent establishment here of the system of Public Schools.

Age of Teachers.—Males, from nineteen to fifty-six; females, from seventeen to fat, fair, and forty; for it is impossible to get even a truth-loving Schoolmarm to tell her real age

Capacity of Teachers.—With few exceptions, they have given general satisfaction. We have had six first class, eight second class, and two third or fourth class Teachers.

Improvements Needed.—There are many improvements which might be made, from which the pupils would reap infinite benefit. But feeling and knowing that during the present year all these defects will be rectified, I shall decline the task of enumerating them on this sheet.

With much respect, I remain, yours,

JAMES MILLER,
Sup't of Public Schools of Marin County.

P. S.—Not having been furnished with a blank book containing the appropriate headings, I have made out this as a kind of substitute.

MENDOCINO COUNTY.

E. R. BUDDSuperintendent.

HON. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR :—Accompanying this, you will find my annual report for eighteen hundred and sixty-two. When I came into office, less than one year ago, I found eight Districts in working order, and entitled to draw money from the State School Fund, namely: Ukiah, Anderson, Little Lake, Calpella, Buchanan, Garcia, Central, and Potter. After a tedious examination into the rather unsystematic documents I found in my office, I arrived at the conclusion that Long Valley and Count's Districts had complied with the law so far as they had been instructed in its requirements, and, by a little effort, succeeded in getting them recognized in a supplemental apportionment by the State Department. Since then, Union, Big River, and Gaskell, have been fully organized, and have regularly maintained Schools, taught by qualified Teachers, for the space of three months, and, as you will see by my annual report, made their returns to me. This makes thirteen Districts under my control, all of which, to the best of my belief, have complied with the requirements of the law.

Last year there were returned by the several School Marshals in this county, six hundred and forty-eight children entitled to the benefits of the School system. This year there are seven hundred and forty, being an increase of ninety-two. Of these new Districts, Big River is the only one taking in new territory, the other new Districts being subdivisions of old ones, but at so great a distance from the School-houses as to cut them entirely off from the benefit of Schools, although they were very properly counted in the census. This partially accounts for the meagre increase over the last year's census. But I must, nevertheless, admit my conviction that a thorough census would have shown a much larger increase. However, as it is a beginning to a good end, we should be satisfied. The organization is approaching to a useful degree of perfection as rapidly as could be expected with the limited degree of encouragement bestowed upon the County Superintendent. The county is territorially a very large and exceedingly mountainous one, and the Superintendent's salary being fixed at six hundred dollars (\$600) per year, in county scrip, worth forty-five (45) cents on the dollar, reduces it to two

hundred and seventy dollars (\$270) per year in cash, which renders a thorough personal inspection of the various precincts next to an impossibility. I have, however, visited all of them except Potter, Buchanan, and Garcia. Another visit around the county, however, in the months of September and October, would, doubtless, have added much to the efficiency of the system.

By my statistical returns, it will be seen that the School-houses in this county are all of wood. Most of these, moreover, are imperfectly made, or, I might say, they are only mere shells, with few or no accommodations, conveniences, or comforts. There are a few honorable exceptions to these, the houses in Ukiah, Big River, and Count's, being the most noteworthy. When, however, it is remembered that the settlements in this county are in their infancy, the presumption arises that a few years more time will make some improvement in these matters.

I cannot close my report without thanking you for the generous and punctual attendance to all my wants in your department, with which you have responded to all my demands and inquiries. While we have reason to hope that the incoming State Superintendent will prove himself to be equally efficient, still it is with a decided degree of reluctance we part with a well tried and always efficient public servant. Under your administration as State Superintendent the system has assumed an importance it could not have attained in a century of the simple formal discharge of those duties prescribed by the statutes.

With great respect,

E. R. BUDD,
Sup't of Public Schools of Mendocino County.

MERCED COUNTY.

R. B. HUEY.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—I herewith transmit to you my report of the condition of the Public Schools in this county. My report will necessarily be brief, a fact not at all desirable. The responsibilities of the office have but recently devolved upon me, by appointment, in consequence of the resignation of the acting Superintendent. On assuming the functions of the office, I find it very deficient in data from which to compile my report. The time that is set for reporting being already past, I cannot defer the time. I will therefore make it out from the best sources of information at my command, hoping it may still, in some small degree, contribute to the ends for which such reports were instituted.

Our Schools are not in as pleasant and prosperous a condition as we would desire them to be, although, perhaps, some of them, in many respects, are in advance of many Schools in the country around. The causes which interfere with the better success and advancement of our Schools at present, are, in part, of an irremediable nature. But a great many are easily remedied, if the people but will to have it so. Among the causes which we cannot now control are those of a geographical

nature. Our population lies principally along the Merced valley, Mariposa creek, and that section of the San Joaquin which comes within the boundaries of our county. The Merced river divides the population along it longitudinally pretty nearly equal, and as it is generally almost or quite impassable for at least four months of the year, say from the first of January to the first of May, the Schools in the valley are very much deranged in consequence. The numerous sloughs which lie adjacent, add greatly to the inconveniences of regular attendance of School children. In some of the Schools at this period, it is almost impossible to preserve classification, and without which no good degree of success is attainable. The people living along the Mariposa creek are not troubled much with an excess of water in that stream, but they experience inconveniences, at least part of them, on account of their remoteness from the centre of population.

It is to be hoped, however, that these hindering causes will ere long be removed. Our county is rapidly filling up with the right kind of a population; men who are interested in the cause of education, and who are willing to contribute liberally to the maintenance and support of her Public Schools.

As will be seen from the accompanying reports of the several School Marshals, the number of school children greatly exceeds that of last year. From circumstances surrounding, we may presume that there will be no diminution in the ratio of increase. This will soon enable us to so district our Schools that but few will be left to lament the want of a School within their reach.

Among the remedial drawbacks capable of present redress, bearing down upon the prosperity and comfort of our Schools, is the want of comfortable School-houses. We cannot boast of having one in our county. Yet our county stands among the wealthiest to its population, and is proverbial for the healthy condition of its finances; its four hundred voters representing a capital of one million three hundred thousand dollars. It would require but a very light per centage of this capital to provide means for the erection of well constructed School buildings for each of our existing Schools. They are very much needed. The present ones being very deficient in form, size, arrangement, and comfort, both inside and out. Without exception, they are mere temporary things, intended to serve the present purpose. I have conversed with a number on the subject of erecting new ones. I have pointed out to them the benefits that would result therefrom. It would lead to habits of taste, order, cleanliness, and promote the health and comfort of the pupil—it would be an embellishment to the rural scenery of country places, villages, or towns, and it would form a nucleus around which society would move as the centre of attraction. The hopes and desires of parents would centre there. The love of brothers and sisters would hover around, and the well wishes of a whole community would hang suspended to its attractions.

I have encouragement that we shall have a change. The people are able and willing, and it but wants the School officers to take the initiative, and they will come forward to the cause.

Our Teachers are, as far as my knowledge extends, well qualified for the responsible positions they severally occupy. They seem to be fully devoted to the advancement of those consigned to their care for intellectual and moral training. The Teacher of the Snellingville School is especially worthy of notice, and there may be others, but as yet I have

not had an opportunity of becoming conversant with their modes of teaching.

All our Teachers complain more or less for want of a greater uniformity of books. Parents are in the habit of purchasing books without consulting the Teacher, and it leads to a great deal of trouble and inconvenience. I shall try and make an arrangement so as to prevent this, as much as possible, in the future.

Irregular attendance is also another very grave source of complaint.

Parents do not, as a general thing, appreciate this important point. They do not calculate the effect and weigh the result. That sprightly little boy and girl that once loved their books and the School room, by continued detention, are unable to keep pace with their classmates. Their little hearts are too proud to bear this, and with a broken spirit they give up the pursuit and seek to evade both books and the School room.

No Teacher, however good are his qualifications, can render his labors so effective when the pupils are more or less absent from School. It is not only a loss of time and study to the absentees, but it measurably effects the several classes with which they stand connected. Uniformity of books and perfect classification are the grand essentials to the progress and general prosperity of any and every School of whatever grade it may be. Our Schools being of a mixed grade, we cannot carry out a perfect system of instruction, yet it is possible to make great improvement.

To this end we need active energetic School officers; those who are devoted to the cause of general education; men who are active and untiring in their efforts to do good. Of these none are so responsible as that of the County Superintendent. It is his duty to exercise a general supervision over the welfare of all the Schools—to visit them, to consult the Teachers, and to assist as far as possible in the general exercises of all the Schools under his jurisdiction. Many of the Superintendents, comprehending fully the responsibilities of their office, are deterred from performing their whole duty as agents of the State in the cause of public instruction, in consequence of the limited compensation allowed them—being merely nominal.

But in conclusion, I would say, it is my desire that the people may examine into these matters, consider their importance, and provide adequate means to remedy the deficiencies, and that soon we shall have the pleasure of seeing our State adorned with School buildings worthy of the cause, and a society of intelligent girls and boys worthy to fill our places, when the present generation shall have passed away.

R. B. HUEY,
Sup't of Public Schools of Merced County.

NAPA COUNTY.

A. HIGBIE.....Superintendent.

Hon. ANDREW J. MOULDER.

Superintendent of Public Instruction :

SIR :—In compliance with instructions from your department, I transmit to you my report of the condition of Schools in this county, according to official documents from the several Districts :

School Lands.—I have obtained from the County Surveyor a full statement of the School Lands for the county. I only give here a summary of the full report which I send you. There are forty-nine sections of School Land in Napa County.

Description.	Acres.
Amount in Ranchos or Grants, about.....	10,780
Amount in chimisal hills, of little value, about.....	10,460
Amount available, about.....	10,120
Total	31,360

Teachers' Institute.—In May last, I succeeded in organizing a County Teachers' Institute. It was well attended, both by Teachers and patrons—and was profitable, especially to Teachers. Two days were spent very pleasantly in interchanging views as to the best way to interest a class in any of the studies in School, School discipline, text-books, etc., and examining persons who proposed to become Teachers in the county. If each county of the State would have a County Teachers' Institute, and require all who propose to become Teachers to be present for examination, there would be fewer candidates and better Teachers.

Public School Picnic.—The sixteenth of last August we had a Public School Picnic—the first thing of the sort ever held in the county. Everything considered, it was a success. Teachers, parents, children, and friends of education, were present, and numbered nearly four hundred. An address was delivered by Professor Turner, of the Napa Collegiate Institute; by Professor Van Doren, of Napa High School; and by the County Superintendent. Scholars from the different Districts enlivened the exercises of the day by declamation and singing. The object was to get together and interest School officers, Teachers, and children, and bring our Public Schools before the people.

Examinations.—Complaints have been made that the County Board of Examination was too rigid. One appeal was taken to the State Superintendent. Several of high profession have been rejected. Teachers are of higher grade than last year.

Reports.—Trustees, Marshals, and Teachers, have reported more promptly and correctly than last year.

Trustees and their Duties.—Some act very promptly and willingly, while others act very tardily and grudgingly—only when they think money will come by their action. Most of the inaccuracies in their re-

ports arise from not having a book, in accordance with the law, in which they should keep an accurate account of the receipts and expenditures of the State, County, and District Funds. I found only one District in which the Trustees had a book and kept an accurate account. They are now providing themselves with such books.

Schools Visited.—During the last eight months I have visited every School in the county, and some three or four times. I hear the classes under the instruction of the Teacher, that I may the more fully understand his or her ability to impart knowledge, and then I examine them to see whether the children are drilled in the *fundamental principles*, and make such suggestions to Teacher and pupils as I judge best for the School.

Finances.—Financially, we are laboring under great disadvantages. The county only appropriates *five* (5) cents per hundred dollars for Public Schools. The county tax should be *twenty* (20) cents per hundred dollars, at least. Then, "instead of sixteen hundred dollars, (\$1,600.) we would have upwards of five thousand dollars (5,000.) This, with the State appropriation, would give great force to our Schools. This year the receipts and expenditures are as follows :

Raised in Districts.....	\$2,598 80	
Drawn on County Appropriation.....	1,778 52	
Drawn on State Appropriation.....	955 17	
Total receipts.....		\$5,332 49
Expended for Teachers' Salaries	\$1,464 55	
Expended for new School-houses.....	736 69	
Expended for new School apparatus.	85 00	
Expended for Repairs of School-houses.....	46 25	
Total expenditures.....		\$5,332 49

School-Houses.—Two new School-houses have been built this year, and others repaired ; in all, fourteen. Some very good, some very poor.

Total valuation of School property this year.....	\$6,259 69
Total valuation of School property last year.....	5,610 00
Total gain.....	\$649 69

Though School property has not had as high an estimate this year as last, we have a clear gain of six hundred and forty-nine dollars and sixty-nine cents (\$649 69.)

Attendance—Irregular.—In the county, between the ages of four and eighteen years of age, there are :

Number of Children.....	1,287
Boys attending School—enrolled.....	315
Girls attending School—enrolled.....	259
Average daily attendance.....	322

Less than one half of the children, therefore, have attended School during the year, and only about one fourth have been in daily attendance. This, however, is a gain on last year. Parents do not appear to understand the advantages of regular attendance. Neither do they visit the Schools as they should.

Private Schools.—There are five private Schools in the county. Number of children attending these, about one hundred and fifty.

The following list embraces all the sixteenth and thirty-sixth sections in Napa County, with the location and condition of each, according to Mr. T. J. Dewoody, County Surveyor:

Township.	Range.	Section.	Remarks.
Township 4 North..	Range 4 West.	Section 36.....	136 acres located.
Township 5 North..	Range 4 West.	Section 36.....	About 300 acres in Tulucey Rancho, located, except the southwest quarter.
Township 5 North..	Range 4 West.	Section 16.....	In Entre Napa Rancho.
Township 6 North..	Range 4 West.	Section 36.....	In Tulucey Rancho.
Township 6 North..	Range 4 West.	Section 16.....	In Napa and Yajome Ranchos.
Township 7 North..	Range 4 West.	Section 36.....	All located but 40 acres; rocky.
Township 7 North..	Range 4 West.	Section 16.....	Chimisal and rocks.
Township 8 North..	Range 4 West.	Section 36.....	Chimisal and rocks.
Township 8 North..	Range 4 West.	Section 16.....	Chimisal and rocks.
Township 9 North..	Range 4 West.	Section 36.....	Southwest quarter, rocky hills; remainder in Los Putois Rancho.
Township 9 North..	Range 4 West.	Section 16.....	Northeast quarter located; remainder, chimisal.
Township 10 North..	Range 4 West.	Section 36.....	In Los Putois Rancho.
Township 10 North..	Range 4 West.	Section 16.....	East half, good land; west half, chimisal.
Township 6 North..	Range 3 West.	Section 36.....	160 acres in Chimiles Rancho.
Township 6 North..	Range 3 West.	Section 16.....	All but 240 acres in Chimiles Rancho; 200 acres entered.
Township 7 North..	Range 3 West.	Section 36.....	160 acres in Chimiles Rancho; 240 entered; remainder, worthless.
Township 7 North..	Range 3 West.	Section 16.....	All entered.
Township 8 North..	Range 3 West.	Section 36.....	Chimisal mountain; worthless.
Township 8 North..	Range 3 West.	Section 16.....	In Los Putois Rancho.
Township 9 North..	Range 3 West.	Section 36.....	In mountains; worthless.
Township 9 North..	Range 3 West.	Section 16.....	160 acres in Rancho Los Putois; remainder, hill, not worth much.
Township 10 North..	Range 3 West.	Section 36.....	In Rancho Los Putois.
Township 10 North..	Range 3 West.	Section 16.....	Half grazing land, half chimisal.
Township 5 North..	Range 3 West.	Section 16.....	Chimisal hills; some timber.
Township 5 North..	Range 5 West.	Sec. 16 and 36..	In Henchica Rancho.
Township 6 North..	Range 5 West.	Section 36.....	In Napa Rancho.
Township 6 North..	Range 5 West.	Section 16.....	Mountains; part occupied, but not entered.
Township 7 North..	Range 5 West.	Section 36.....	In Napa Rancho.
Township 7 North..	Range 5 West.	Section 16.....	In Caymus Rancho.
Township 8 North..	Range 5 West.	Section 36.....	Part of it good land.
Township 8 North..	Range 5 West.	Section 16.....	Hills.
Township 9 North..	Range 5 West.	Section 36.....	Half in Locallomi Rancho; half, good grazing land.
Township 9 North..	Range 5 West.	Section 16.....	In Locallomi (Pope Rancho.)
Township 10 North..	Range 5 West.	Sec. 16 and 36..	Chimisal mountains.
Township 7 North..	Range 6 West.	Section 36.....	In Redwoods; well timbered.
Township 7 North..	Range 6 West.	Section 16.....	Mountains.

Township.	Range.	Section.	Remarks.
Township 8 North..	Range 6 West.	Section 36.....	In Carna Humana Rancho.
Township 8 North..	Range 6 West.	Section 16.....	Hilly, but of some value.
Township 9 North..	Range 6 West.	Sec. 16 and 36..	Chimisal mountains.
Township 10 North..	Range 6 West.	Section 36.....	Good valley land ; entered.
Township 10 North..	Range 6 West.	Section 16.....	Chimisal mountains.
Township 8 North..	Range 7 West.	Section 36.....	In mountains.
Township 9 North..	Range 7 West.	Sec. 16 and 36..	In Carna Humana Rancho.
Township 10 North..	Range 7 West.	Sec. 16 and 36..	In mountains.

RECAPITULATION.

Description.	Acres.
Amount in Ranchos, about.....	10,780
Amount of little value, about..	10,460
Amount available, about.....	10,120
Total.....	31,360

A. HIGBIE,
Sup't of Public Schools of Napa County.

PLACER COUNTY.

A. H. GOODRICH.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—I herewith transmit to your department my second annual report of the condition of the Public Schools of Placer County :

I am happy to report a greatly increased interest in the subject of education in this county. We have held two Educational Conventions, and organized a Teachers' Association. The School tax has been increased from twelve to eighteen cents on a hundred dollars, with a fair prospect of having it increased to the legal limit this year.

School Census.—By the census returns, there are the following number of children in the county, between four and eighteen years of age :

Boys.....	902
Girls.....	880
Total.....	1,782

The amendment to the School law passed last winter, making it necessary to take the names of the children, as well as the parents, caused a great deal of unnecessary trouble and expense. Notwithstanding I visited the Trustees of nearly all the Districts of the county, and wrote to all specifically, directing them how to take the census, nearly all the School Marshals neglected to take the names of the children, which made it necessary for me to return the reports for correction in that particular. One or two refused to correct their reports. If any lose their School money it will not be my fault. I cannot possibly understand the object of such a law, unless some legislative Solon, of whom there were plenty in our Legislature last winter, knew of no other way to distinguish himself. The law is entirely unnecessary, and should be repealed.

School-houses and School Districts.—There are twenty-five Districts in the county, in all of which Schools have been maintained for the legal term. One District, Secret Ravine, was divided in May last, the eastern portion being called Franklin, and the western, Smithville. Franklin District has no house, but the inhabitants have voted a tax to build one. Smithville District has the old School-house, but will build a new one soon. Dutch Flat, Michigan Bluff, Yankee Jim, Forest Hill, Coon Creek, Lincoln, Union, and Todd's Valley, have good houses, built with some regard to taste, comfort, and convenience. Four Districts have no School-houses, among which is Auburn, the largest and wealthiest District in the county, and the School-houses of the balance are unfit for the purpose for which they are intended. All the Districts, except Auburn, that have no houses, or have poor ones, are making exertions to build good substantial houses.

Teachers.—Of these we have a great improvement over last year. There are four first class Teachers in the county—Teachers that are bright ornaments to their profession; eight second class; and the balance are teaching from suffrance.

Before our Common Schools can attain that efficiency for which all true friends of education are laboring, they *must* have Teachers who are, in the broadest sense of the term, *educated*, and who are enthusiastic, conscientious devotees to their profession. Until we can secure such Teachers, all efforts to elevate our Schools will prove abortive. But the question presents itself: How are we to get rid of these quacks in the profession—these men and women who can find nothing else to do, and teach School as a makeshift? What can be done when Trustees *will* employ such persons against the earnest remonstrance of the Superintendent? If you refuse their pets a certificate, you have the whole community about your ears. They may answer all the questions put them, and then be utterly incompetent, as I have frequently found to be the case.

I have found in my visits to the Schools, that where the competent, earnest Teacher is employed, the pupil's interest is excited, his attention aroused; he, in turn, excites the same feeling in his parents, and the whole community becomes interested in the School.

Many of those classed as second class Teachers, are earnest, conscientious, and devoted to their profession, taking every means to improve themselves, and will eventually take a high position in their profession. Such should, and do, receive encouragement. But the class who teach simply for the money they receive, must be driven from our Schools.

I have devoted thus much space to this subject, because I consider it of vital importance to the interests of education and the well being of society.

Finances of the Schools.—The next subject of importance to the success of our Schools, and without which we cannot hope to succeed, is money. Good Teachers must be paid remunerative wages; School-houses must be built, and libraries and apparatus secured.

As I have already intimated, our School finances are in a much more prosperous condition than at any former period. The following is the amount received from various sources during the School year, ending October thirty-first, eighteen hundred and sixty-two, nearly all of which has been paid out, or is due for Teachers' salaries:

Amount received from the State.....	\$1,736 04
Amount received from the County.....	5,465 41
Amount received from all other sources.	3,359 80
Total from all sources.....	\$10,561 25

The real amount expended for School purposes much exceeds the above. In most of the Districts it was impossible to obtain the amounts expended, by rate bill, private subscription, etc.

At the January apportionment, we shall begin to receive the benefit of the increased rate of taxation for School purposes. The people of Placer County will have reason to thank our Board of Supervisors for their enlightened policy in increasing the rate of taxation for School purposes.

Placer County can afford to be liberal to her Schools, for she is out of debt, with nearly forty thousand dollars (\$40,000) in the Treasury. What better investment could be made of that money than to transfer it to the School Fund, as a perpetual source of income to the Common Schools? The intelligent man can easily see what the result would be.

Trustees.—During the School year just closed, the Trustees have taken a lively interest in the Schools under their charge. It is a thankless office, at best. They have everybody to please, and everybody expects them to perform impossible things. If there is not sufficient to pay the Teacher, they are expected to obtain it; if the Teacher does not satisfy the expectations of the people, they are blamed for employing him; and so on through the whole catalogue of grievances.

Schools.—We have no graded Schools in this county. Four Schools, Auburn, Forest Hill, Dutch Flat, and Michigan Bluff, ought to be graded, but there is little prospect of it for the present. The efficiency of the Schools would be greatly increased by grading them.

Examinations.—Most of the Schools have had examinations during the past year, and many were very creditable, both to the Teachers and the scholars. I have discouraged exhibitions as much as possible, believing them to be detrimental to the scholar, vexatious to the Teacher, and a trouble and expense to the parent.

Private Schools.—There have been five Private Schools in the county during the year, three of them taught by Teachers who were the Teachers of the District a portion of the year—that is, while the funds lasted, and the balance of the year kept Private Schools. There is a Private School kept at Forest Hill, under the patronage of the Catholic Church; Teacher, Miss O'Connor. She has about twenty scholars, and is an excellent Teacher. A Private School at Michigan Bluff, kept by Miss

Miller; number of pupils not known. There have been Private Schools in different portions of the county kept for short periods.

Number of months during which Schools have been kept open.—The time during which Schools have been maintained is but little more than it was last year. This is accounted for by the fact that there are more Schools, and that many of the Districts have kept School but three or four months during the year; but in all the larger Districts, Schools have been kept open longer than heretofore. Many of the Districts ascertain, as near as possible, the amount of money that will be due them, and have Schools no longer than the money will be likely to last. But a better practice is fast gaining ground, and that is, to pay the Teacher, say forty dollars (\$40) a month, from the Public Treasury, and collect a certain sum per month from each pupil, by rate bill, thus enabling them to keep up a School the greater portion of the year. The Trustees, in making returns, took no account of the portion of the year during which Private Schools were maintained by the same Teacher that taught the District School the balance of the time.

Attendance at School.—Of the number of children between four and eighteen years of age in the county, something over one half attend School, with about one third daily average attendance. The daily average should be much larger. There are various causes why it is not :

First—Apathy of parents. Many parents do not seem to care whether their children attend School or not. The most trivial excuse on the part of the child is of sufficient importance to keep him from School.

Second—The child may take a dislike to the Teacher, report his wrongs, with childlike exaggerations, to the parent, and, ten chances to one, the parent does not go to the Teacher to find out the truth, but takes the child's word, and takes him from School; when, very likely, the Teacher is ignorant of the cause.

Third—Incompetent Teachers. This is a great and crying evil of which I have spoken before. That person who cannot make the school room sufficiently attractive to induce children to love it, and seek it in preference to any other place, is not fit for the business of teaching.

Change of Teachers.—Another great evil of our Schools, is the frequent change of Teachers. Very few of the Districts keep the same Teacher more than one term of three or four months—some not as long. The reason, in many cases, is that the Schools are kept open but three to five months during the year, and the Teacher, no matter how well qualified he may be, has to seek employment elsewhere.

Then again, many of these travelling Teachers do not expect to retain any School more than three or four months, and then go somewhere else to impose their miserable services upon a District unacquainted with them.

But I am glad to notice a great improvement in this respect. Parents are beginning to feel the importance of having good Teachers, and giving them constant employment.

Experience in Teaching.—The Teachers' experience varies from three months to twenty-two years.

Improvements Needed.—These are numerous :

First—School apparatus. Very few of the Schools have any apparatus at all; some not even a blackboard. It is next to impossible for the best Teacher to succeed without some apparatus for object teaching. If parents, and even Teachers, could fully understand the importance of having an apparatus, such as maps, globes, charts, blocks, and many other things necessary in a School room, it would not be long before

they would subscribe the amount necessary to procure them. The blame lies mostly with the Teachers; for how long, with proper representations from the Teacher, would it take to raise money sufficient to procure such things. Very many people do not consider such things necessary, and it is the Teacher's province to educate the public mind as well as to instruct his pupils—which he can accomplish if he be qualified for his position.

Second—We need better School-houses. Although we have some good ones in the county, few of them are properly arranged, nearly all badly ventilated, uncomfortable seats, and inconvenient in every way.

Third—Uniformity of text books. One who visits the Schools of this county will find all the text books published since the days of Lindley Murray—many that are curious and rare. In one School I noticed four different grammars, three different readers, two different spelling-books, five different arithmetics, and four different geographies—all used in the School. What Teacher can succeed with such a multiplicity of text books? It will be impossible to introduce a uniformity of text books without a positive law compelling parents and Teachers to adopt them. Such a law should be enacted. It does not matter so much what text books are adopted, as it does to have a uniformity. An intelligent Teacher can supply any defect in a book, but it is hard to classify his School when he has so many different books upon the same subject in the School. Some of the most intelligent Teachers are making exertions to introduce a uniform series of text books.

Fourth—Libraries. Every District could have a Library if proper exertions were made. Scarcely a person in the District but would contribute a book, or give the money to buy one. Of the benefits to be derived from a good Library in each District, it is needless to speak. I know of but one District in the county that has a Library.

Fifth—The indifference of parents, and Teachers even, is productive of many evils to our Schools. The parent neglects to send his child to School regularly; the Teacher fails, or is incompetent, to interest the child sufficiently to induce him to go to School of his own accord, and the consequence is irregular attendance, want of interest in the pupil, and slow progress in his studies. The only remedy for these evils that I know of is the employment of superior Teachers, and education of the public mind. If a few liberal minded, educated gentlemen in each District would take hold of the subject, it would not be long before the public would be aroused.

School Laws.—As one of the committee appointed at the late State Teachers' Convention on amendments to the School Law, I would most respectfully recommend the following:

First—A law placing rate bills on the same footing as any other civil contract.

Second—A law compelling parents to send their children to School a certain number of months each year, for a certain number of years.

Third—A law compelling parents and Teachers to use a uniformity of text books throughout the State.

Fourth—Repeal the law of May sixth, eighteen hundred and sixty-two, which relates to the duties of School Marshals.

Fifth—Repeal the law of May fourteenth, eighteen hundred and sixty-two. It is simply ridiculous.

Sixth—Legalizing County Teachers' Institutes, and compelling Teachers to attend.

Seventh—Make it mandatory on the Teachers to attend the County Board of Examination, and provide for their pay.

Eighth—Give County Superintendents the power to examine Teachers, and give a certificate, subject to the decision of the Board of Examiners afterwards.

Very respectfully yours,

A. H. GOODRICH,
Sup't of Public Schools of Placer County.

SACRAMENTO COUNTY.

F. W. HATCH.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—A review of the past year affords a gratifying retrospect.

Notwithstanding the unforeseen and unusual obstacles against which we have been compelled to contend—the temporary interruption of some of our Schools by an unprecedented flood, the destruction of property, and the consequent breaking up of communities—we are able to present a record attesting the popular interest in the subject of Common Schools, and the determination to secure the inestimable advantages they are designed to bestow.

Perhaps there can be no better method of exhibiting the actual progress made, than that hitherto adopted, of contrasting present results with those of the past. The comparison is encouraging to the friends of education, and creditable to the enterprise of the people.

In eighteen hundred and sixty-one, the number of county Schools sustained was thirty-nine. This year there have been forty-three. Those kept last year, for two consecutive months and over, were six; this year, eight. Those of eight months and over, last year, were thirteen; this year, sixteen. Last year, fifteen were maintained six months and over; this year, twenty-one.

My last report designated the total attendance of pupils in the county. (outside of the city,) at eleven hundred and ninety-four; this year the number is fourteen hundred and fifty-six. Then, the average attendance was six hundred and twenty-eight and two twenty-sevenths; now, it numbers eight hundred and sixty-one—the excess being two hundred and thirty-three, nearly.

The Census Marshals reported the population between four and eighteen years of age, for the year ending October thirty-first, eighteen hundred and sixty-one, at two thousand and twenty-two; the present returns enumerate twenty-four hundred and seven. Of these, there attended school for some portion of the year, about fifty-nine per cent. During the school year just closed, above sixty per cent have availed themselves of the privileges afforded.

The total number of School months, (calendar,) during which schools have been in progress, have been two hundred and seventy-three months and twenty-five days, or an average, for forty-three Schools, of six months and eleven days.

The amount reported to have been raised in the Districts for the pay-

ment of Teachers, is four thousand and fifteen dollars and eighty-five cents, against three thousand five hundred and thirty-two dollars and fifty-seven cents last year. I am confident, however, that the difference is much larger than has been designated by the Trustees. Many of them keep no record of their official acts, and consequently have not been able to complete their reports in this important particular. Several of them, I know, have failed to state the amount raised by private subscription and paid over to the Teachers, when the credit for a laudable liberality was justly due.

The population statistics of the county are interesting, as exhibiting a gradual and healthy increase. While it was supposed by many that a considerable number of our people had been compelled by the disasters of the past winter to seek other homes, the juvenile population of the country Districts, between four and eighteen years of age, has, as has been stated, increased two hundred and eighty-five. Nor is this all: the total population of children of all ages, which a year ago was reported at three thousand and fifty-four, has since risen to thirty-five hundred and twenty-three—showing an increase of four-hundred and sixty-nine. Of this increase, only one hundred and eighty-four are due to children under four years of age. Probably, the greater portion of it arises from the influx of immigration from the Atlantic States, the population of some of the Districts having been largely augmented from this source.

The relative standing of the city and county, it will be seen, has been reversed. Heretofore, the juvenile population of the city has been in excess of that in the county; this year the latter has three hundred and ninety-nine more than the former. Including the City of Sacramento, the entire School population of the county (between four and eighteen years of age) is four thousand five hundred and fifteen.

When we consider the extent of evil done to many sections of the county by the floods of the last winter, and the pecuniary losses of the population, the review of the School interests just made is highly gratifying. It is indicative of a spirit of enterprise superior to the severest misfortune, and an energy which no disaster can abate. With one or two exceptions, in which the destruction of property and the breaking up of social relations was so overwhelming as to be, for a short time, almost irremediable, no serious interruption in our Schools has occurred. They have been maintained in defiance of many obstacles, and, in some cases, at much pecuniary sacrifice, and under circumstances reflecting credit upon the decision and perseverance by which it was accomplished.

The Teachers employed in our Schools, with few exceptions, are earnest in their labors, and well qualified for the duties of their vocation. In this respect, the past few years have been productive of much improvement. This is due, in part, to the new system of examination adopted, and the consequent withdrawal of those who, without the shadow of qualification, had for so long usurped the privileges and positions of Teachers; but mainly, I believe, to the influence of the Teacher's Institute, now in successful organization in the county. The effect of this institution has been most gratifying. Its advantages seem to have been fully appreciated by most of the Teachers, and its sessions made interesting and instructive by the general co-operation of the members. It has afforded a healthful stimulus to all engaged in the work of education, quickened their zeal, aroused a spirit of emulation among them, awakened a proper sense of the importance and responsibilities of their office, and of the relations they bear to society. It has made them feel the

true dignity of their profession, and induced a determination to maintain its character, and make it conducive to useful and noble ends. For this, if for no other reason, it deserves to be encouraged.

Another indication of interest which the statistical report of the year affords, is to be found in the expression of a decision by so many of our Teachers to embrace the business as a permanent occupation. Of forty-eight Teachers employed in our country Schools, it will be seen that thirty-four have given this assurance. This is a step in the right direction. It is a token of promise. It is an evidence of real progress—a guarantee of success and of the elevation of our system of instruction to a high standard. The cause of education can never prosper until confided to the hands of those who are devoted to the work, whose hearts are enlisted in it.

The greatest evil of the past has arisen from the indifference of Teachers to the duties imposed upon them—the absence of any real interest in the business. They took it as a matter of speculation, or rather, from the force of necessity. They were mostly adventurers in a new country, seeking employment of some kind, and ready to embrace that which first presented itself. Their sympathies were not engaged in the work. There was a routine labor to be performed, a certain number of classes to be heard; but beyond this and the necessary condition of their monthly salaries, they were accustomed to observe a cold indifference. Under such auspices, the system of Free Schools could not flourish. It lacked the vital energy which gives support, and is the assurance of success.

I believe that the facts existing warrant the conviction of a better and more encouraging condition of things in this respect at the present time. The reign of charlatanism in teaching has passed, and the places once occupied by the unworthy, are generally supplied with honest, earnest, and conscientious laborers in a profession whose responsibilities they appreciate, and to whose advancement they are devoted.

But with all these flattering circumstances in our favor, there is much yet needed to make our system complete. We have accomplished something, but we are far from having discharged our whole duty. Our Schools are as yet deprived of many of the conveniences which older and more wealthy populations have been able to furnish; among these are good School-houses. In this respect, I regret to say we are sadly deficient. Many of the houses used are totally unfit for the purpose; rude and unattractive in their appearance; constructed without regard to the wants of a School; oftentimes too small to comfortably contain a third of the children crowded within them; and ill adapted for ventilation in summer, or warmth in winter.

The duty of every District to provide a neat, substantial, and suitably arranged School building, has been frequently overlooked—the moral influence it is calculated to exert, entirely disregarded. It seems, with some, to be considered enough if a roof and four walls, of any size or shape, are thrown together, without reflecting upon the moral and physical evils entailed upon the pupils. Even where a convenient house has been provided, there is observed, in some cases, a lamentable deficiency in suitable seats and desks. No attention has been paid to the requirements of the pupils—children of all ages being seated together upon benches of equal height. The construction of such as we have, too, is often poorly adapted to the convenience of any one. It is painful to see little children of four and five years of age seated for hours daily upon a bench put together without any view to comfort—sometimes with a single rail at the top, sometimes with none, their legs dangling in

the air, and their unsupported bodies forced to seek a frequent but temporary relief in a change of position. Yet, even under these circumstances, order is expected in the School-room.

Happily, these observations apply to only a portion of our Districts. In some of them the wants of children have been properly regarded, and every necessary attention paid to comfort, cleanliness, and propriety.

During the past summer two or three new houses have been erected, which, though small and plain, are well adapted for the present necessity. Others are soon to be commenced, and one, in the flourishing town of Folsom, is now in progress, which, when completed, will be an ornament to the place, and an abundant testimonial to the enterprise and zeal of the people.

I trust that before another year rolls around there will be less cause for complaint everywhere.

In my last report I took occasion to notice the evils attendant upon the common practice of a frequent change of Teachers. The habit, unfortunately, still prevails. During the year ending October thirty-first, eighteen hundred and sixty-one, not less than fifty-two Teachers were employed to conduct the thirty-nine Schools then in operation, and this year I find the number for forty-three Schools has been fifty-eight. The habit arises mainly from a spirit of dissatisfaction—the prejudice of individuals, who frequently declare that they will withdraw all support from the School while this or that Teacher is at its head. Such a practice is ruinous to success. It strikes fatally against the usefulness of a Teacher, and the advancement of pupils. Every Teacher has certain difficulties to surmount at the commencement of a School. He must acquaint himself with the mental characteristics of those confided to his charge, study their dispositions, gain their confidence, win their affections, familiarize them with his method, and learn by experience how to adapt his instructions to the circumstances and material around him. Yet, oftentimes before he has accomplished even the least difficult of these essential duties, he is summarily dismissed, and another installed in his place. Again the same initiatory obstacles arise, with the same result. Is it to be wondered at that Teachers are complained of, charged with inefficiency, and that pupils fail to progress in their studies? Teachers are expected to enter upon their duties in a routine way. The necessity of time to examine the *material* before them, to organize their classes, and develop a system of instruction suited to the School, is entirely lost sight of. He must go to work like the medical empiric, and prescribe the same medicine for all his patients. If any fail to be improved, it is by no means surprising.

Among the improvements introduced into our School system during the past year or two, I regard none as of more value than the establishment of Teachers' Institutes in many of the counties. They are recognized everywhere, wherever Common Schools are sustained, as being indispensable agents of progress, necessary to the creation and maintenance of an active zeal among those engaged in the business of teaching. They should, therefore, be encouraged. The helping hand of the Government should be extended to sustain and foster them. In our present condition, one great obstacle to their general adoption is the expense attending their formation and the publication of their proceedings. Another impediment in their way is the unwillingness of some of the Trustees to allow the Teacher for the time spent in his attendance upon their sessions, and the inability of some, who really desire to participate in their proceedings, to incur the loss of time, and the consequent de-

duction from a salary already barely sufficient for their support. I am happy in being able to state that both these obstacles have thus far been partially overcome in this county by the liberality of the Trustees, and the willingness of the Teachers themselves to make some personal sacrifices for the furtherance of an object which they fully appreciate. But this is not always so, and I feel that even the test of enthusiasm is too great to be long borne.

An effort was made by some of the friends of education at the last session of the Legislature to provide a remedy for these inconveniences. First—By making it the duty of Trustees to permit and require the Teachers in their respective Districts to attend the sessions of the Institute, and allow them their usual salaries during absence. Secondly—By providing for a small annual appropriation from the Treasury for their support, and to defray the expenses necessarily attendant.

Both of these amendments were strongly yet strangely opposed in the Assembly, where they were first introduced by parties professing to feel an interest in the cause of education, and to secure the passage of the first, the second was, I believe, withdrawn. Yet even this, after having passed the House, was killed by inaction in the Senate.

It is to be hoped that some provisions similar to those alluded to will receive the sanction of the next Legislature. I believe they are called for by motives of interest affecting the system of instruction in the State. The time occupied by Teachers in their attendance upon these Institutes is not lost. It is reflected upon the system of Schools in an increased efficiency, in improved methods of instruction, and in the awakening throughout the community of a general interest in the subject of education. It is amply repaid by the direct, palpable, and positive advantages accruing to the Schools themselves. These facts, so evident to all who are familiar with the subject, are not always appreciated by the public; and hence the occasional unwillingness of Trustees to vacate their Schools for the purpose.

An amendment to the School law touching this subject would exert a wholesome influence.

Again: the law of eighteen hundred and sixty provides for the formation of a State Teachers' Institute, and makes a liberal appropriation for its support. With all the respect to this important institution, and with an earnest desire to see it maintained as a State organization, it is my opinion, judging from the past, that it must always be subordinate, in practical utility, to the County Institutes. The expense of attending it amounts to a positive prohibition with many Teachers living at a distance from San Francisco or Sacramento. It can, therefore, be made available to scarcely a moiety of those who would take an active and intelligent part in a county organization.

The interest excited by the latter must also be greater; their proceedings are likely to be of a more practical character, and the local influence upon the community is manifestly greater. While the State very properly encourages the one, can it not also extend a small pecuniary aid in promotion of the other? An appropriation of one hundred dollars annually to each County Institute in successful operation, while it would be lightly felt by the State, would materially facilitate their formation and aid in the dissemination of the practical facts elicited. Or, if this cannot be effected, a legal provision requiring the county Boards of Supervisors to appropriate this amount from the County Treasury towards the encouragement of these Institutes, and for the defrayment of the

necessary expenses attendant thereupon, would exert an equally good effect.

Allusion was made in one of my previous reports to the law regulating examinations. I desire again to call attention to the subject; more especially to that provision which requires an annual citation before the county Boards. It is at least fair to presume that a Teacher who to-day presents himself for examination, and receives the indorsement of the Board attesting his capacity to teach and govern a Primary School, will, after engaging for the succeeding year in the active, practical duties of to which his credentials entitle him, be as well qualified at its close as when first invested with authority. Indeed, the very natural inference would be in favor of a greater familiarity with his duties. Yet, by the present law, he must, at the expiration of each year, go through with at least the formality of a new examination, and this, too, as often happens, by the same Board before whom his claims were first presented.

When, as is frequently the case, the applicant desires to advance his position, and seeks to obtain a certificate of higher grade, the law is proper enough. He should give ample evidence of qualification for the grade desired. It is against the annual repetition of the same forms by the same Examining Board that the objection is urged.

I believe that a modification of the law, to the effect that a certificate of qualification to teach a School of a definite grade shall have full force and effect for at least two years, would save much inconvenience, and tend in no way to detract from the utility of an enactment which, in its general operations, has done more to elevate the character of our Schools than any other provision lately introduced into our School law. Whenever a change to a higher grade is sought for, an examination should, of course, be required.

This much of my report refers mainly to the county Schools, those more immediately under my supervision. Of the city Schools, in all that concerns their prosperity and practical utility, I am happy in being able to make a favorable report. The report of the City Superintendent, herewith transmitted, will exhibit their operations in detail. It shows a more healthy pecuniary condition than that of the past few years.

The Teachers employed are generally well qualified for their positions, faithful, and devoted to the work in which they are engaged. It is believed that they will compare favorably, in all essential requirements, with an equal number anywhere.

Probably no District in the State has suffered, to anything like the extent of this, by reason of the floods of the past winter. It will be seen that the interruption of the Schools, consequent thereupon, has materially reduced the total number of School months during which they were maintained. The average time for the twelve Schools has been eight months and four and one third days.

In all other respects, in their general management, the excellence of their instructions, the zeal of Trustees and Teachers, they have never been more successfully conducted.

Respectfully yours,

F. W. HATCH,
Sup't of Common Schools of Sacramento County.

SANTA CLARA COUNTY.

S. S. WILES.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR :—In compliance with instructions from your department, I submit the following report :

The whole number of organized School Districts in the county is thirty-four. The number of Teachers necessary to fill the Public Schools is forty-one. The larger portion of our Schools have been conducted by Teachers well qualified for their vocation, while the smaller portion fail to maintain that discipline which should characterize the well regulated School.

School-houses.—Of the thirty-four School Districts, but twenty-two are in possession of School-houses, and of this number, but twelve are worthy to bear the name. I am pleased to state, however, that several new Districts are outrunning their older neighbors in obtaining sites for and erecting School-houses ; and also, that several of the older Districts have resolved to make amends for the past by building and furnishing first class houses. The Trustees of Santa Clara especially deserve much credit for their efficient labors in raising the standard of their Public Schools, and the money necessary to build and furnish a good Union School-house.

There are two School-houses in the county supplied with first class furniture, eight with the old style of benches and desks, while the remaining twelve will bear no comparison with School-houses as they should be.

Average Attendance.—The whole number of children in the county between four and eighteen years of age is three thousand five hundred and sixty-four. The whole number enrolled in the Public Schools is one thousand five hundred and seventeen, being about forty-three one hundredths of the whole number. The average number attending School has been seven hundred and sixty-six, being about one fifth of the whole number. Again : if we add the number attending private Schools, (seven hundred and fifty), to the whole number enrolled in the Public Schools, (one thousand five hundred and seventeen,) we have a total of two thousand two hundred and sixty-seven, which, taken from the whole number, (three thousand five hundred and sixty-four,) we have one thousand two hundred and ninety-seven children who have not attended School during the past year. This should not be so ; but still, it might be worse.

We will now look for the causes and the cure. Those who complain most of the want of School privileges, of being so far from the School-house, have never made an effort to correct the evils of which they complain. All of these complaints may be fairly cancelled by the judicious use of a small amount of money in each District. This little sum of money should be about eight dollars per annum to every child to be educated. This sum should be derived from the State Fund and county taxes. Such a fund would enable every community of thirty children to maintain a free School six months in the year. Then, indeed, would our Public Schools advance in numbers and efficiency, and we would no longer be compelled to make such returns as forty-three one hundredths

enrolled, and twenty one hundredths average attendance; but, on the other hand, the result would be worthy of the name of Free Schools.

Change in the Apportionment.—And here I beg leave to offer a suggestion in relation to the apportionment of the Public Fund. If the School moneys could be apportioned to each District in the State in proportion to the average number of children in daily attendance for a given time, would there not be an incentive to action that does not now exist? and would there be any injustice in such a distribution? None. While under the present system there appears to be much injustice. To illustrate, I will compare two Districts:

The first returned one hundred and sixty-four children in eighteen hundred and sixty-one. The second returned forty-three children.

The first enrolled forty-two children in School. The second enrolled twenty-eight children.

The first had an average attendance of twenty-six. The second had an average attendance of twenty.

The first kept a School open six months. The second kept a School open seven and one half months.

This comparison demonstrates two things:

First—That many children in large Districts never receive the benefits of the Public Fund, to which they are entitled; and,

Second—That while some Schools are maintained entirely by the Public Fund, others are maintained almost entirely at private expense.

In the case that I have cited there appears to be a great inequality in the money received and the service rendered:

The first received four hundred and thirty-four dollars and ten cents, (\$434 10.) The second received one hundred and thirteen dollars and ninety-five cents, (\$113 95.)

The first instructed twenty-six children six months. The second instructed twenty children seven and one half months.

Examinations.—I am of the opinion that the law in relation to the examination of Teachers might be improved in some respects. I would grade the certificates as first, second, third, and fourth class. The first class certificate should run three years, the second class two years, and the third class one year. The fourth class should be granted only at special examinations, and should run only until the next regular examination. A great deal of inconvenience would be avoided by giving the County Superintendent power to grant certificates on special examination.

Rate Bills.—I am of the opinion that a law to enforce the collection of rate bills, would be a great advantage to our present system of maintaining Schools.

Teachers' Institute.—The Teachers of this county have formed themselves into an association, under the above title, which bids fair to be of great benefit to our Public Schools. The Institute meets on the first Saturday of each month, for the discussion of all matters of interest to the Teacher, or for recitations, declamations, instructions from Teachers, or reading of essays. The evening is devoted to lectures by gentlemen of ability, engaged for the occasion. Our worthy State Superintendent delivered an able lecture before the Institute, in November, and the Rev. Mr. Dryden entertained our association in a very able manner at our last session.

I will close by saying that though many of our Public Schools are very deficient, and fall far below a proper standard, yet the greater number are making commendable progress, and some will compare

favorably with the best Public Schools of the State. I think that we have much to encourage us to make renewed efforts in extending and improving our Public Schools, the strongest pillars of a free government.

I am, very respectfully,

S. S. WILES,
Sup't of Public Schools of Santa Clara County.

SHASTA COUNTY.

GROVE K. GODFREY.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR:—In accordance with the requirements of the law, I submit to you this, my annual report of the condition of Public Schools of Shasta County, for the School year ending October thirty-first, eighteen hundred and sixty-two.

The gradual improvement and extension of our Schools form the only safe and durable basis for a system of popular government, and the increasing concern felt for their maintenance and prosperity, is the surest evidence of their real worth and of the appreciation of our citizens of the efforts annually made to perpetuate them.

An examination of the statistical report will afford a pretty correct statement of the condition of our Schools and the interest of education within my jurisdiction.

The reports of the Teachers and Trustees, just received, have formed the most reliable source of information, to which it is proper at this time to direct public attention. They reveal the most prominent features, and furnish ample grounds for reflection and comment.

Returns, more or less complete, have been received from every District except Cow Creek, bearing within themselves the evidence of a greater amount of care and exactitude than has hitherto been observed. They exhibit an increasing interest in the subject of education, a deeper sense of its importance, and a steady and gratifying improvement in the means of its promotion.

According to the School Marshals' census returns for the year ending October thirty-first, eighteen hundred and sixty-one, there were seventeen School Districts, containing one thousand four hundred and twenty-seven children under twenty-one years of age; between the ages of eighteen and twenty-one, forty-nine; between the ages of four and eighteen, and where Schools were maintained, eight hundred and eighty. Of these, four hundred and thirty were boys, and four hundred and fifty girls; under four years of age, four hundred and ninety-eight; born in California, six hundred and eighty-eight.

Upon an inspection of the statistical part of this year's report, it will be seen by the census of this county, recently taken, that there are eighteen School Districts, and the whole number of children under twenty-one years of age, is one thousand four hundred and eighty-one; between the ages of eighteen and twenty-one, twenty-nine; between the ages of four and eighteen, entitled to the benefits of a Common School

education where schools have been maintained, nine hundred and ninety-two. Of these, four hundred and seventy-eight are boys, and five hundred and fourteen are girls; under four years of age, four hundred and sixty. In the county there are thirty-six more girls than boys; born in California, seven hundred and fifty-eight; deaf and dumb, none; blind, none; showing an increase over last year of fifty-four children in the county.

Twenty-six Schools have been held during the year, twenty-two public, and four private. Number of children attending Public Schools, enrolled in the county, five hundred and two; which would be some over one half of the county census, whilst the average daily attendance is considerably less than this, being only about three hundred and fifty-four in the entire county, and a little less than one third of the School census. Total number of pupils attending Private Schools, is two hundred; which makes an increase over last year of forty scholars. All the Schools taught are primary. Total number of calendar months during which schools were maintained, eighty-five. The Schools have been kept in session on an average of about six months. Number of male Teachers, eight; and fourteen female Teachers. Teachers' ages vary from seventeen to thirty-six years; their number of years of experience vary from one to twelve years; only twelve design making teaching a permanent profession.

The full amount of monthly salaries paid Teachers, to the close of the School year eighteen hundred and sixty-two, is nine hundred and forty-three dollars.

The number of boys taught in the Districts, two hundred and twenty-one; number of girls taught, two hundred and eighty-one.

There are eighteen School-houses in the county; the material of which the houses are built is lumber.

Valuation of School-houses and furniture.....	\$5,557 44
Amount of School Funds received from the State	976 80
Amount of School Funds received from the county taxes.....	1,058 20
Amount raised in Districts by rate bills and private subscription.....	1,524 54
Total receipts for School purposes.....	\$3,720 54
Total amount paid for Teachers' salaries.....	3,620 04
Amount expended in erection or repairs of School-houses.....	247 44
Amount expended for School libraries and apparatus.....	25 00
Amount expended for all other purposes, including rents, fuel, etc	24 00
Total expenditures for School purposes.....	\$3,916 48

The present report furnishes ample evidence of a gradual and healthy advancement in all the essential elements of a good and efficient School system. Among these, are the increase in the number of Schools, the greater length of time during which they were maintained, and the larger average attendance of pupils. In all these important features,

though still far behind what we ought to be, we have reason for congratulation.

The number of county Schools reported last year was nineteen; this year they amount to twenty-two. The whole number of pupils taught during last year was reported to be four hundred and thirty-six; now it reaches five hundred and two. In the former, the daily average attendance was three hundred and six, while during the latter it has been three hundred and fifty-four.

The number of months during which all our Schools were maintained in the several Districts in the county was last year reported at eighty, and the average term, five months. Now we are enabled to report the total number of months during which our Schools have been maintained, at eighty-five months, or an average for the seventeen Districts of about five months.

The amount of money raised in the several Districts for School purposes, was two hundred and fifty dollars (\$250;) during the past twelve months it has risen to one thousand five hundred and twenty-four dollars and fifty-four cents (\$1,524 54.) It will be seen by the table that the entire cost and maintenance of the eighteen Schools that have been reported to this office has been three thousand seven hundred and twenty dollars and fifty-four cents, (\$3,720 54,) of which the public funds, State and county, have amounted to only two thousand and thirty-five dollars and twenty cents (2,035 20;) the remainder, to pay Teachers, has been raised by rate bills and private subscriptions.

With these general results, derived from the statistics furnished by the Trustees, we have good cause for congratulation. This is an indication auspicious of a better state of things for the future. They speak well for the spirit and enterprise of the people, and demonstrates their appreciation of the benefits to be derived from the support of the Common School system.

Many of the Trustees have performed their duty well, whilst others have evinced no interest whatever in the success of Public Schools under their supervision. They have grossly neglected their duties in several instances in this county, and one in particular, in not having a three months School to draw the Public School Funds.

Two Districts have made no reports, although frequently reminded by the county Superintendent. Out of the eighteen District reports from the Trustees, only four have been signed by the whole Board. In some instances there was but one signature, and one Trustee's report without any signature. This neglect is owing mostly to the small amount of School moneys received for the support of Public Schools. Trustees are so cramped for means, and have so many to please, upon whom they are dependent for a large share of the Teachers' pay, while, nevertheless, they are expected to have a School in full blast all the year round, that their situation is truly unenviable, and they lose all energy in School affairs. The fact is, too much is expected by many from the public money. They are ready to suspect something wrong, and wonder what has become of the public moneys. Successful Schools cannot be sustained without money and efficient Teachers, but it is impossible to retain good Teachers until the time comes when they can be certain of their pay and permanent employment. Frequent change of Teachers, especially when they get a good one, works against all system and good discipline, and, in effect, neutralizes almost every special improvement or measure designed for the advancement of popular education.

During the past year twenty Teachers have been examined by the

Board of this county. These have taught in the eighteen School Districts. The law which requires applicants for Schools to obtain certificates from the Board of Examiners for the county has been productive of much benefit, as it prevents ignorant pretenders from obtaining positions they are not competent to fill, and protects the educated lady and gentleman from imposition. The examinations have been, in most cases, quite rigid; the Board having kept in view the recommendation to "establish a high standard of qualification."

It gives me much pleasure to be able to report improvement in the capacity of our Teachers. In this respect, our Schools have improved so much, from year to year, that I am now able to say that our Teachers rank well, and many are excellent educators. Several of the Teachers are ladies and gentlemen of superior education, intelligence, and refinement—ornaments to the profession to which they have devoted themselves. They are not only good Teachers, but generally take a lively interest in progressive education. They seem desirous of understanding all the modern improvements, and are generally becoming masters of their profession. Some there are, however, who might be much improved by close application to study and diligent self culture.

Disaffected and incompetent Teachers have retarded the progress and weakened the influence of our Schools. Many of them, unfitted by education or disposition for the duties of the School room, have resorted to teaching as a means of temporary subsistence—as the easiest resort for pecuniary recuperation. They had no heart in the work. The energy, which alone can give life to business and insure success, was wanting. There was no professional pride to stimulate them, no glowing enthusiasm in the prosecution of their labors, no conscientious devotion to the interests of those committed to their charge. In such hands, the School system could not prosper. The name, indeed, was preserved, but its resources were too often uselessly squandered. However, there have always been many honorable exceptions, and some of those still remain at their posts, faithful to their sacred trust, energetic in maintaining not only the usefulness, but the dignity of their profession.

Happily, the attention of the people has been directed to the importance of a thorough reformation in the management of their Schools, and the necessity of employing none but qualified and faithful Teachers.

Educators cannot be successful laborers in the department of education, unless they strive to become good disciplinarians, and understand all the methods, means, and impulses of imparting knowledge. Elementary training is committed to the Teachers, and they should be careful and thorough in imparting primary instruction, and see well to this, that they charge thoroughly; to understand and appreciate the principles upon which the studies they impart are founded and developed.

Whatever is taught to children, should be well and carefully taught. Unless the foundation be well and substantially laid, the superstructure will ever be regarded as precarious.

While the pupil is cultivating the memory, direct your energies to the exercise and development of the moral nature, disciplining the will, directing the judgment and reason, and schooling the affections.

The moral, physical, and intellectual training of the young has, in all ages, been regarded as an obligation of the highest importance.

Statesmen and philosophers, however disagreeing in other respects, unite in regarding education as the safeguard of individual as well as of national welfare, and as the strongest bulwark of civil and religious liberty; and it is now universally acknowledged that in the simultaneous cul-

tivation of the mental, moral, and motive powers, not only is the mind expanded, principles formed, and the body strengthened, but a solid foundation is laid for a well balanced character, and barriers raised to the inroads of disease and premature decay. Man is a complex being, and every thorough system of training must recognize him as possessed of intellectual, moral, and physical attributes.

The task thus devolved upon the Teacher is no doubt difficult, for as each attribute is seldom correspondingly displayed, and as a healthy and vigorous whole is dependant upon harmoniously developed parts, each part necessarily requires to be subjected to watchful and careful supervision.

To attain this object, it is evident that the Schoolmaster ought to be a man possessed of superior talents and attainments, and with science and tact sufficient to stimulate, restrain, or to punish, as circumstances and cases require.

It is in the power of the Teacher, as a good potter, to produce vessels fitted for honor or dishonor. If he be skilful, he may transform the irregular mass into forms of grace and beauty; if ignorant or incapable, he may send forth objects that will offend and annoy. Such being the object, and such the requirements of the Schoolmaster, is it not anomalous that no provision is made in the *curriculum* of his studies for his education in that department of science which takes cognizance of the correlatives existing between the mind and bodily organization?

We regard a knowledge of Psychology as the channel by which alone the Teacher can reach that diagnosis of character by which to discover how to connect all parts of the noble structure which it is his privilege to conduct to a compact and harmonious whole.

A Teacher, in the first place, should know his pupils, and afterwards direct his energies so as simultaneously to develop each part of their threefold nature; strengthening where the plant was weak, pruning where vegetation was excessive, and forcing only where natural obstacles were raised to healthy and vigorous growth. By this means, he can raise the platform of education, and place the scholastic profession in the noble and honorable position to which it is entitled, where it ceases to be a mean and petty art, and takes its place as a profound and liberal science.

When this is generally accomplished, the Teacher will command his own position and his proper remuneration.

The possession of psychological knowledge would place a new power in the hands of the Teacher, impart new interest to his studies, and give an aim, an object, and directness to his instructions. Nor can the Teacher afford to overlook this powerful aid. The task he undertakes is the equipment of a human being for the business of life, than which, nothing can be more difficult, nothing more arduous, nothing more solemn and important. That lad who stands before him for the first time, in order to take his place on the form beside his other boys, is a being worthy of his deepest contemplation. Weak he seems, timorous he feels, bashful it may be, even stupid he looks, but who at this point can tell his destiny! Ill treatment now may damp his youthful energies, and send him forth a waif upon the world, miserable in himself, a burden to his friends, and a scorn and reproach to all who know him; or, neglected, may be instrumental in giving bias to certain predisposition, and he leaves school only to be the inmate of an asylum for the rest of his days; or, by judicious and careful training, founded upon scientific principles, he steps into his place a Hayden, to lead or guide the destinies of men.

We do not exaggerate when we assert that it rests with the Schoolmaster, more than with any other man, to lead the young to misery and poverty, or to happiness and prosperity. His pupils are placed under his care at a period of life the most pliable, and when impressions are not only most readily made but remembered. A powerful character brought into daily contact, armed with authority, and hourly bearing upon such, could not fail to leave an impression that would last as long as life itself. If the Teacher's influence is thus so potent, how dangerous must it be to intrust the education of the young to men possessed of no physiological knowledge. Surely there is enough of misery in life, without the School room, that nursery of virtue, being transformed into a hot-bed of intellectual and moral suicide. What is it to a mere lad, that his intellect is good and his principles bad, or that his principles are good, if his body, through over study, is unfit for the position it has to fill? Mere cramming is not the work of the Schoolmaster—it is trifling with his pupils, and it degrades himself. It is of vastly more importance to the boy to have his mind equally trained, to be taught habits of application, self control, and self dependence, and to be initiated into the principles and modes of acquiring knowledge, than to flood his mind with oceans of learning. By the former means, he will be sent out a man to act a busy and useful part for the world's good; by the latter, a fool, to live, die, and pass away, without raising a bubble to tell that he lived. In a word, the School is the sphere, not only to impart knowledge, but the place where the intellect and the conscience are to be cultivated simultaneously with a healthy and vigorous frame. Here, too, the dull intellect should be stimulated, perversion of the moral faculties controlled, extremely bad dispositions rectified, indolence stimulated, and excessive vanity and self importance restrained.

This, alone, is the proper work of the Schoolmaster—such the noble duties he has to fill; but we hold he can only thoroughly fulfil this vocation when deeply trained himself into a knowledge of psychological principles.

There is progress in everything—in our means, happiness, and our capacity for enjoyment.

Our Schools furnish a foundation upon which the whole subsequent life must erect a superstructure. The education of our children should be deemed the first concern of importance, as it is the most sacred duty of a free government, to perpetuate liberal institutions.

The moral and intellectual developement of the people constitutes the vital strength and the true glory of a State. To say nothing of the philanthropy of the work of training the mind of the children of the State to the principles of virtue and the softening influences of intellectual culture, it has ever been conceded that republican institutions depend for their existence entirely on the virtue and intelligence of the people. It may be safely affirmed that a general system of education, whereby the children of the poor as well as the rich are afforded access to the portals of science and literature, is the most necessary of all the supports to the edifice of civil liberty.

Upon the success of our Free Schools rests the future happiness and usefulness of the rising generation; they are the nurseries of learning, and the only opportunity that many children will have for an education. Ignorance and vice go hand in hand. Then, if we would have the children of this generation grow up moral, intelligent, and useful, they must have good Schools and thorough Teachers, who will look to their moral as well as their physical and intellectual improvement. Govern-

ment must educate all her children; for the cultivation of the masses lies at the foundation of free institutions, and the life and safeguard of constitutional government.

In retiring from your arduous duties to private life, allow me to return my sincere congratulations for the able manner in which you have administered the affairs of the Department of Public Instruction during your official term of office, wishing you happiness, encouragement, and prosperity, for the efforts and success in securing a School law practical in its workings, and elevating the standard of teaching.

Wherever your lot may be cast, may you be with us in thought and action to co-operate in the cause of education, and we shall retain a pleasing recollection of our long association.

In conclusion, please accept the assurance of distinguished regards for the kindness and consideration you have exhibited towards the Teachers, in the advancement, the improvement, and exaltation of their profession, and more especially for the warm and flattering terms which you have seen fit to speak of the official actions and efforts of the County Superintendents in promoting the cause of progressive education.

Respectfully submitted,

GROVE K. GODFREY,
Sup't of Public Schools of Shasta County.

TULARE COUNTY.

T. O. ELLIS, Sr.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction :

SIR :—I have the honor, in accordance with the instructions of your department, to transmit to you my supplemental report, in conjunction with the formal one. The minute book promised to County Superintendents has not reached me, hence I have to write from memory. An examination of the latter report will present a correct statistical account, based on the reports of Teachers and School Trustees, for the year ending October thirty-first, A. D. eighteen hundred and sixty-two. I am not in possession of data to make this, the supplemental report, as perfect as I could wish. I have literally toiled to place the County Superintendent's office in proper order, having found it in perfect confusion when I came into office. This is my first annual report. If discrepancies be discovered, I can only say this is as correct as possible, under the circumstances. The Trustees have faithfully discharged their duties to the best of their ability. You will notice the number of Districts is less than in former reports. The Supervisors thought it best to dispense with all *nominal* Districts, and let them merge into those complying with the *letter and spirit* of the law regulating this department. With them I concur. You will notice the number of children in the county falls below the report of eighteen hundred and sixty-one, by just ninety-eight.

The number of children, under twenty-one years of age, in the county last year, was one thousand three hundred and forty-five. This year, ending October thirty-first, eighteen hundred and sixty-two, there are one

thousand two hundred and forty-seven, showing a decrease of ninety-eight. Likewise, the number of boys under eighteen and over four years of age has decreased thirty-four; the number of girls has decreased only four; total decrease, boys and girls, thirty-eight. It is gratifying to remark that we present an increase of nineteen, under twenty-one years of age, *born* in the county, showing, in spite of the restless movements of society, the growing reliability of the country. Fortunately, too, the decrease of females is far less than males. By comparing the present with the former statistical report, you will notice seventy-one in School attendance, over that of eighteen hundred and sixty-one. Of average daily attendance, the increase is nearly fifty. The increase of boys is forty; of girls, thirty-one. Increase in number of Schools, one.

While it affords me pleasure to note the increase in School attendance, it is mortifying that, out of eight hundred and twenty-two children capable of receiving instruction, only three hundred and twenty-one attend; owing, doubtless, to the great monetary disability, and the unhappy state of our beloved country, as well as the scattered position of the inhabitants. Allowing one hundred to be in attendance in the Private Schools and Academy, still, we have four hundred and one children, male and female, not at school. What a pity! We are yet in the incipient stage of education, and have much to accomplish.

The education of females, in number, compared with males, in Visalia District Number 1, is defective sixteen and two thirds per cent; in Woodville District Number 2, about twenty-four per cent; in Tule River District Number 3, over fifty-seven per cent. Female education is on the rise! Parents and Guardians are beginning to learn that the female mind has the same susceptibilities and capacities as the male, and generally more brilliant. It is high time the old foggy notions of education in general, and female education *in particular*, were buried without the hope of resuscitation.

The examination of Teachers has been critical and thorough in the branches called for, in the various Districts. I think, however, the *annual* examination of *qualified* Teachers redundant. *Once* examined, the County Superintendent should see to it that the various Teachers keep pace with the progressive march of mind, or dispense with them.

Owing to indisposition, professional business, and misunderstanding of the day, I have not visited the country Schools. The Trustees report favorably of their Teachers, and the advancement of the students in the varied departments of Schools. Parents are satisfied, and pupils love, and in most instances yield a cheerful obedience to, law and order. The rod is seldom used, and then as a dernier resort. Politeness is enforced by precept and example; and, had we comfortable houses and suitable furniture, we should hope to equal, if not rival, the banner county. The Visalia School I have often visited, and can speak encouragingly of Messrs. Wood and Baker's departments, intermediate and primary. These gentlemen merit a good name, and they enjoy it. Had the house and furniture been in keeping with the ability of the District and *wants* of the students, we would have presented, in this department, a brilliant report. Mr. Baker leaves us for a time, to complete his lingual education; when finished, again we shall have him in the department, with renewed light and energy. Fortunately, we retain Mr. Wood, appreciated and loved by all who know him. Messrs. French, Hudson, Baird, and Logsdon, merit the thanks, and have the good will, of their patrons and pupils. We have one Private and one Academic School, but none in *our* department. Should the Visalia Select Seminary, under the auspices of

Rev. B. W. Taylor, be lost, (and its safety is problematical,) we *must* have a *High School*, one in which the higher branches of mathematics and the lingual departments will be imparted.

Surveyed School Lands now in market in this county, one hundred and eighty-three thousand five hundred and twenty acres. Of this amount, thirteen thousand four hundred and forty acres have been sold, leaving one hundred and seventy thousand and eighty acres unsold. Of this vast amount only about fifty-three thousand six hundred and twenty acres are available for many years to come; the remainder, one hundred and sixteen thousand four hundred and sixty acres, being on lofty mountains or vast plains. The Swamp Land grant will subtract from available lands about twenty thousand acres. Calculating on probabilities, the School Fund from this county will be augmented sixty-seven thousand and twenty-five dollars (\$67,025.) I am indebted to the politeness of Esquire Briggs, the Land Register of this County, for the above items in relation to the School Lands.

The mode and manner of instruction is not uniform. It so happens that a student at *one* School, learning the orthography and the other three parts of grammar in accordance with Doctor Webster and Smith, has, should he go to another School, to submit to being drilled in all the technical phrases of another author; and just so with other branches. I would rejoice if the next Legislature should establish *uniformity* of books, or authorize the Honorable State Superintendent to do so in the manner his wisdom may dictate. Uniformity of books will not suppress, but *increase*, respectable authorship and varied learning, besides being a great saving of time. We want not merely good or better, but the *best* books of the age, in which and from which to instruct our children. The late law, authorizing County Superintendents to supply the place of qualified Teachers with competent citizens in the County Board of Examination, works well, as does the one in relation to the dismissal of Teachers by the same authority, after giving due notice and a hearing. There is some complexity in Appendix No. 2, to which I beg leave to call your attention.

To conclude: Upon the whole we are improving. Industry and economy, the precursors of prosperity, are on the advance. The varied and vast resources of this county, mineral and agricultural, the salubrity of the climate, backed by the growing intelligence of its inhabitants, arising from our free institutions of learning, all declare, unmistakably, the incipency of our future success.

I shall be happy to act in obedience to your wishes in this department, and also, to receive any *suggestive* instruction in learning, etc.

I have the honor to subscribe myself, very respectfully,

T. O. ELLIS, Sr.,
Supt of Public Schools of Tulare County.

TUOLUMNE COUNTY.

CHARLES S. PEASE.....Superintendent.

Hon. ANDREW J. MOULDER,
Superintendent of Public Instruction:

SIR:—In compliance with instructions from your department, I have to report as follows:

Number of School-houses in the County.—There are eleven School-houses in the county.

Description of each.—Big Oak Flat School-house—Material wood; one room; dimensions eighteen by thirty feet, twelve feet high; adapted for forty-three pupils. The average daily attendance in this School is a fraction over twenty-two, or twenty-two and ninety-two one-hundredths. The house is passable, but the furniture, as to fitness, proper construction, and quality, is totally unfit for a School room.

Chinese Camp School-house—Material, wood; one room; dimensions, thirty-five by twenty-five feet, and twelve feet high; adapted to seventy pupils. The average daily attendance at this School is thirty-five.

Sonora School-house—Material, brick; contains three rooms; dimensions, No. 1, forty feet square; No. 2, nineteen by twenty-four feet; No. 3, nineteen by fifteen feet, and all fourteen feet high; adapted for two hundred and eighteen pupils. Average number of pupils in attendance, eighty-one and seven-eighths.

Springfield School-house—Material, wood; one room; dimensions, twenty by thirty feet, and twelve feet high; adapted for forty-eight pupils. Average number of pupils in daily attendance, thirty.

Shaw's Flat School-house—Material, wood; one room; dimensions, thirty by forty feet, and twelve feet high; adapted to ninety-six pupils. Average daily attendance, forty-seven and five eighths.

Montezuma School, (held in Church)—Material, wood; one room; dimensions, twenty-four by thirty-six feet, and fifteen feet high; adapted for eighty-six and two fifths pupils. Average attendance, twenty-five.

Columbia School-house—Material, brick; two rooms; dimensions—No. 1, sixty by twenty-eight, and twelve feet high; No. 2, sixty by twenty-eight, and eleven feet high; adapted for two hundred and fifty-four pupils. Average attendance, ninety-three.

Jamestown School-houses—Material, wood; dimensions of one, thirty by forty feet, and twelve feet high; the other, eighteen by twenty-four, and twelve feet high; one is adapted for ninety-six pupils, the other for thirty-four. Average attendance at both Schools, seventy-nine.

Don Pedro's Bar School-house—From this District I have no Teacher's or Trustees' report. The material of the house is wood; one room; dimensions, eighteen by twenty-six feet, and ten feet high; adapted for thirty-one pupils.

Tuttle-town School-house—Material, wood; one room; dimensions, eighteen by thirty feet, and twelve feet high; adapted for forty-three pupils. Average attendance, twenty.

Attendance at School.—A glance at the School statistics of this county shows that the attendance at School is not only irregular, but, in proportion to the number of children, small.

The cause of this irregularity I can attribute to nothing else than the

want of interest in parents. And how it can be remedied, seems to be beyond the reach of any measures that I can suggest.

The causes of the small attendance is owing partially to the above, and partially to the want of a requisite number of Schools.

Teachers.—I hear no complaints in regard to any of our Teachers, and I think they would compare favorably with those of any other county of the State.

Of the eleven Teachers of this county, seven intend to make teaching a permanent profession.

Examinations, Exhibitions, Etc.—The brief period of time that I have had possession of my office, precludes the possibility of my informing myself on this subject; but from the reports, it appears that little attention is paid to the Schools by the parents—from which we infer that most of them are satisfied in having their children out of their way. When will parents learn the responsibilities resting upon them?

In regard to examinations, exhibitions, etc., the reports say not.

Number of Months each School has been kept open :

Districts.	Months.	Days.
Big Oak Flat.	5	2
Columbia.....	12	0
Chinese Camp	4	0
Don Pedro's Bar.....	0	0
Jamestown, School No. 1.....	6	0
Jamestown, School No. 2..	5	11
Montezuma.....	4	0
Sonora.....	9	16
Springfield.....	4	0
Shaw's Flat.....	4	0
Tuttletown.....	7	7

The only just means of increasing the School terms, in my opinion, is the general Free School system. The educational wants of the State imperatively demand it. It is a measure that should be urged upon our Legislature. Abler pens than mine advocate it, wiser heads than mine accept it, and older States than ours have taught us the justice and absolute necessity of it.

Remarks on the Finances of the Schools.—When the State and County Funds are exhausted, resort is usually made to rate bills. This, in many Districts, is a heavy tax upon parents. For my suggestions for improving the finances of the Schools, I refer you to remarks under the heading above.

Trustees.—While some of the Trustees seem to be alive to the interests of the Schools, others appear to be indifferent, or take no interest whatever, and totally neglect the duties incumbent upon them. If the Trustees were compelled to keep a record of their official acts, and return the same annually to the County Superintendent, and to become responsible to the Districts for all losses occasioned by dereliction in duty, it might spur them to increased activity. It is my opinion that the County

Superintendent should have the power to remove any Trustee, or Trustees, upon well founded charges. No one is supposed to be a better judge of the incompetency of a Trustee than the Superintendent. And if competent and energetic Trustees cannot be elected, let them be removed and such ones appointed.

Improvements Needed.—I have not had time to inform myself on this subject, and under this head I can make no report, but refer you to the general remarks upon education.

General Remarks.—My remarks under this head must necessarily be brief. Judging by the means at my disposal, I have arrived at the conclusion that the course pursued in most of our schools (though not in all) is too much in theory, for the means of practical illustrations are not placed at the disposal of the Teachers; and those to whom are committed the interests of the Schools, are alone responsible for the neglect.

The eye is the medium through which we communicate with the brain, and any method of illustration that is pleasing to the eye, cannot fail to impress the mind of the pupil. I would recommend a thorough furnishing of the School rooms in the country Districts, for I consider a School room without maps, charts, cubes, tablets, globes, etc., as without the most necessary Teachers.

It appears to me that we are in too much of a hurry to invest our public funds in Teachers' salaries, regardless of the benefit accruing therefrom. If less were spent to pay Teachers, and more for the means of practical illustrations, the condition of our Schools would be greatly enhanced.

Our Common School System would be greatly improved by establishing Academies, or High Schools, at convenient points throughout the State. In my opinion, wherever the higher branches are taught in the Common Schools, it is at a sacrifice of the interests of the primary classes.

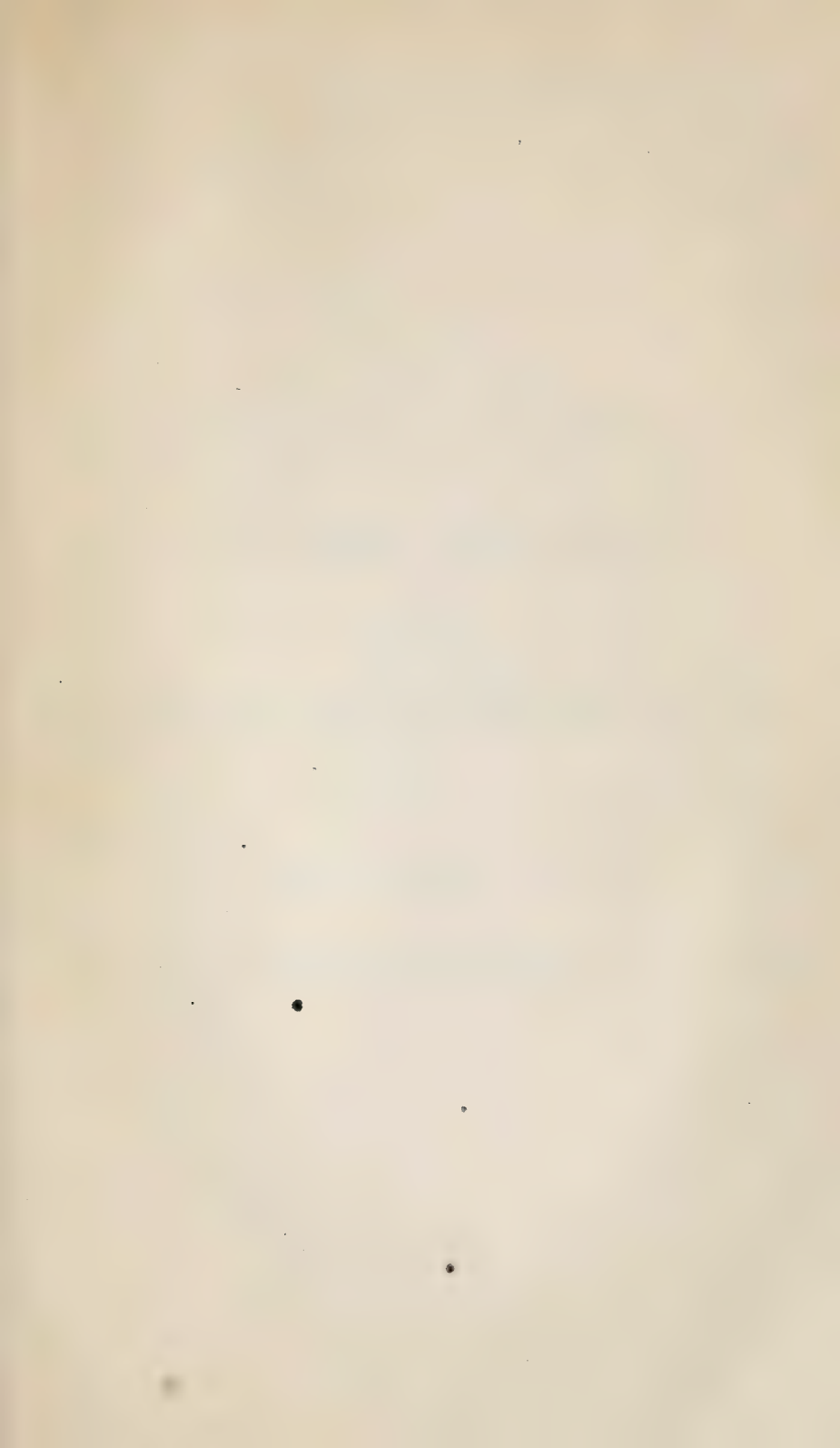
Before I close these remarks, let me again refer to the necessity of urging upon our Legislature the imperative demands for a Free School System.

All of which is respectfully submitted.

CHARLES S. PEASE,
Sup't of Common Schools of Tuolumne County.









ANNUAL REPORT
OF THE
SECRETARY OF STATE,
FOR
THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
December 15th, 1862. }

To His Excellency,

LELAND STANFORD,

Governor of California :

SIR :—I have the honor to submit the following report of the transactions of this office while under my charge, from January fifteenth, eighteen hundred and sixty-two, to the fifteenth day of the present month, inclusive.

WM. H. WEEKS,

Secretary of State.

R E P O R T.

The receipts into this office from duties on commissions, filing and recording certificates of Acts of incorporation, copies of laws, etc., have been four thousand four hundred and twenty dollars, (\$4,420,) all of which, with the exception of the receipts of the current quarter, have been paid into the State Treasury, to the credit of the Library Fund. See Schedule marked A, herewith submitted.

In this connection, I would respectfully suggest that an appropriation be made out of the Library Fund for the payment of the expenses of that department, with the exception of the salaries of the State Librarian and his Porter.

All the necessary expenses, to the amount of about one thousand dollars, (\$1,000,) should, in my judgment, be paid from the Library Fund, and disbursed directly by the Librarian.

The amount disbursed by this office, out of the appropriation for stationery, lights, fuel, etc., to the several offices and departments, are as follows:

For what Purpose,	Amount.
Governor's office	\$428 34
Adjutant-General's office.....	132 82
State Treasurer.....	729 00
Attorney-General	35 00
State Translator	21 25
State Librarian	181 35
Swamp Land Commissioners.....	39 25
Supreme Court Judges, and Clerk.....	1,481 84
State Controller.....	1,153 36
Surveyor-General	143 44
Legislature of eighteen hundred and sixty-two.....	5,084 25
Total.....	\$9,420 90

In addition to the above are some bills outstanding, not yet rendered, though not to any considerable amount.

Notwithstanding the late unprecedented rise in the price of all kinds of stationery, being in some cases nearly one hundred per cent, I have no doubt but the appropriation for the present fiscal year will be sufficient to supply the various departments of the State with all necessary articles of stationery, etc., usually purchased with this Fund, if the utmost economy governs their uses.

Volume XIX of California Reports has been received at this office, and distributed as by law directed.

The State Printer has delivered at this office the Laws, Journals, and Appendixes of the Legislature of eighteen hundred and sixty-two, to the number required by statute, and I have caused them to be forwarded to the various persons entitled to receive them. So greatly have the counties and townships increased in number within the last two years, that there are not a sufficient number of copies of the statutes sent to this office to supply *all* the various counties, towns, States, Territories, and public officers, who are entitled to receive them. I would recommend that an additional one hundred copies be ordered for the ensuing year. The Secretary of State was directed by resolutions of the Senate and Assembly of eighteen hundred and sixty-two to audit the accounts of William G. Wood for completing the House copying remaining at the adjournment of the Legislature, and writing up the Appendix of the Assembly Journal; also to audit the account of G. C. Harriman, for writing up the Appendix to Senate Journal, which duty has been performed, and the amounts allowed certified to the Controller. The Legislature, by joint resolution, instructed the Secretary of State to estimate the amount due Messrs. Sumner and Cutter, for reporting and writing out the proceedings in the trial before the Senate, of Hon. James H. Hardy, upon articles of impeachment presented by the Assembly. The amount found due Messrs. Sumner and Cutter has been certified by me to the Board of Examiners, and by them allowed.

The Board of Supervisors of the County of Sacramento have, with a just regard to the rights of the State, and with a liberality which entitles them to great credit, made nearly all the necessary repairs upon the building now used as a State Capitol.

While in the receipt of a fair rent from the State for the use of the Capitol building, they have generously expended a considerable portion of the revenue thus received in the repairs of that edifice.

The archives in this office, especially those of the early days of the State government, are in a most deplorable state of confusion, arising in some degree, no doubt, from the frequent removals to which they have been subjected while the Capital of the State was perambulating the country in search of a local habitation. In such disorder are they, that to find any document more than a few years old, is the work sometimes of vexatious tediousness and uncertainty; I would recommend that a small appropriation be made to defray the expense of collating and indexing them. Two thousand dollars would be sufficient for that purpose, and once indexed, and the system now in use pursued, the like necessity could never occur again.

The enrolling of the laws has heretofore been a source of needless expense to the State, and not always done in a manner creditable to the chirographic and grammatical skill of the clerks employed. While the laws are copied and indexed in this office, the printers' proof compared and corrected, and all the tables required by law to be published with

the laws, prepared for the small sum of four hundred and fifty dollars, the copying from the engrossed bills upon the enrolling sheet has cost more than that number of thousands.

In re-organizing this department under the amended constitution, I would suggest that the enrolling be done in this office, under the supervision of the Secretary of State, at a fixed compensation per folio; he to be responsible to the Enrolling Committee of the Legislature for the correctness, in all respects, of the enrolled copy. Such a law would, in my judgment, save several thousand dollars, annually, to the State Treasury, and, what is of more importance, insure a correct enrolment of Acts passed by the Legislature.

The offices of the Controller and Treasurer have been put in complete repair—the latter mainly out of an appropriation by the Legislature for that purpose; the former entirely from the usual annual appropriation for such purposes.

The rooms devoted to the use of the Senate and Assembly are being renovated, and will be in readiness by the day fixed for the meeting of the Legislature.

WM. H. WEEKS,
Secretary of State.

I, W. H. Weeks, Secretary of State, being duly sworn, on oath say, that the account of receipts and disbursements in the office of Secretary of State, as set forth in the foregoing report, is true.

WM. H. WEEKS.

Sworn to and subscribed before me this fifteenth day of December, A. D. eighteen hundred and sixty-two.

A. K. GRIM,
Notary Public, Sacramento County, Cal.



[A]

AMOUNT OF CASH RECEIVED BY SECRETARY OF STATE.

Cash received from Johnson Price, January 15, 1862.	\$126 50	
Cash received from forty-seven Commissions	245 00	
Cash for certified copies, filing and recording Certificates of Incorporation.....	187 00	
Total for the Quarter ending March 31st.....		\$558 50
Cash received for Commissions—two hundred and twenty.....	\$1,110 00	
Cash received for certified copies, filing and recording Certificates of Incorporation.....	906 00	
Total amount for Quarter ending June 30th.....		\$2,016 00
Cash received for thirty-nine Commissions	\$195 00	
Cash received for certified copies, and filing and recording Certificates of Incorporations.....	559 00	
Total amount for Quarter ending September 30th.....		\$754 00
Cash received for seventy Commissions.....	\$350 00	
Cash received for filing and recording Certificates of Incorporation, and certified copies.....	741 50	
Total amount from Oct. 1st to Dec. 14th, inclusive.....		\$1,091 50
Total amount from January 15th, 1862, to December 14th, 1862, inclusive.....		\$4,420 00

ANNUAL REPORT
OF
THE ATTORNEY-GENERAL,
FOR
THE YEAR 1862.

.....
BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

ATTORNEY-GENERAL'S OFFICE,
Sacramento, December 15th, 1862. }

To His Excellency,
LELAND STANFORD,
Governor of California:

SIR:—In accordance with law, I have the honor to report to you the condition of the Law Department of the State Government, and to submit herewith such suggestions as, in my opinion, if adopted, are calculated to improve the laws of this State.

I am, very respectfully,

FRANK M. PIXLEY,
Attorney-General of California.



REPORT.

Upon entering upon the discharge of the duties of my position, I received from my predecessor the archives of the department, and am indebted to his courtesy for valuable information touching the litigated interests of the State.

The docket of cases received from him I have continued, and the transcript thereof, herewith submitted, gives the general outline of the character and condition of all suits in which the State is a party.

One cannot glance over this docket without being impressed with the fearful extent of our murder calendar. A careful investigation of the transcripts coming from the lower Courts show that most of these acts of manslaughter and murder are unpremeditated, upon slight provocation, and often without any seeming adequate cause. On the trial the very absence of motive seems to stagger the jury, and some absurd hypothesis of self-defence or insanity is urged, either to the acquittal of the guilty, or to the lessening of the grade of the offence and mitigation of punishment.

I can account for these causeless murders upon no other ground than the carrying of concealed weapons. An angry altercation which would otherwise pass in words, becomes a bloody duel when the disputants find ready upon their person a deadly weapon; each, in his excitement, being impressed with the probable idea that the other is armed, and seeks, therefore, the advantage of the first attack.

I would recommend the Legislature to pass the most stringent laws to prevent the carrying of concealed deadly weapons. It is a barbarous custom, only indulged in by the criminal and the cowardly.

I submit, in this connection, this noticeable fact, that punishment for the crime of murder is rare and exceptional. The number suffering the penalty of death is greatly disproportioned to the number of offences committed against life; and the additional fact is also noticeable, the exceptions are almost invariably of those who are destitute of money, friends, or political influences.

Those statutes which for so many years have disgraced our code, denying to certain classes the privilege of an oath because of their color, are, in my opinion, not in accordance with the enlightened spirit of the age, and ought to be repealed. This question is not a political one, but touches the interests and rights of all.

The cosmopolitan character of our population, composed, as it is in part, of Africans, Asiatics, and Islanders, renders the repeal of such laws, or at least their modification, imperative. To continue them in force is to give abandoned whites a premium for crime, and an immunity from punishment for offences committed on those darker (only in color) than themselves.

Courts and jurors should be permitted to attach to the evidence of all only such weight as in their judgment it may seem entitled; and perhaps further guards and restrictions might be provided against the evidence of those aliens who do not speak our language, who profess not the Christian observances, who do not understand our laws, and whose moral condition seems to render them utterly unable to appreciate the solemnity of an oath, or the propriety and beauty of truth.

The last Legislature imposed a per capita tax upon Chinese and Mongolians. This law was tested in the case of Lin Sing against E. H. Washburn, in the Supreme Court of this State, and by two of the Justices, Messrs. Cope and Norton, composing a majority of that bench, decided to be in conflict with the Constitution of the United States. Chief Justice Field dissented, in an opinion which seems to me to be unanswerable, accompanying this report. I beg leave to submit my brief furnished in that case, as embodying my views of the law, and the general policy of permitting our State to become an asylum of the redundant population of China, and I recommend that another effort should be made by the incoming Legislature to pass an Act the effect of which shall be to arrest this Pagan invasion, or at least to confine it to certain localities where it may not interfere with the industry of our State, and where it may be subject to the control of rigid laws, that our people may not suffer in morals, health, and interest, by coming in contact with a class so utterly degraded and abandoned as are a majority of the Chinese.

Upon entering upon the discharge of the official duties of my position, I found a suit commenced by my predecessor in office against the Executors of the Broderick estate.

It was charged in the information therein laid, that Mr. D. C. Broderick, formerly a Senator of the United States from the State of California, had been killed in a duel by D. S. Terry, formerly a Judge of the Supreme Court of this State; that he died intestate, leaving no heirs or next of kin capable of inheriting; that the instrument purporting to be the last will and testament of the deceased, (Mr. Broderick,) was a forgery; that it had passed the Probate Court of the County of San Francisco by collusion, fraud, and perjury; that in the absence of heirs, or the existence of a genuine will, the estate, of the value yearly of half a million of dollars, is escheated to the State of California.

I entered upon the prosecution of the case with zeal. I followed it industriously. I believed all the charges contained in the information. I was fully convinced that it was a most foul conspiracy of a gang of abandoned villains to rob a dead man; that forgery, perjury, and subornation were among the lesser offences which characterized the workings of the plot.

The case went to the Supreme Court, and because the will had been successfully probated one year before the information came to the knowledge of the Attorney-General, its review is barred by a Statute of Limitations, and it follows, in probate matters, that he who forges a will, robs an estate, and successfully covers his crime for a year, vests in himself an indefeasible title to the product of his crime.

I would recommend a modification of this law.

Mr. Gregory Yale was employed by my predecessor in this case; he has ably and assiduously labored in it, and though we have been unsuccessful, the ventilation of so foul a crime entitles him to a liberal compensation for his services. I believe the effort even, on the part of the State, to undo this wrong will have a beneficial influence, and the exposure of the crime will prevent similar efforts in the future. At all events, it was due to the jurisprudence of the State that this effort should be made, and it is due to justice that these conspirators yet be brought to punishment.

Suit was brought by John Perry, Jr., to compel the Tax Collector of San Francisco to receive United States Notes for taxes. The Supreme Court of this State, in the decision rendered in that case, determined that the Act of Congress creating notes for circulation, did not contemplate the enforcement of these notes for State taxes, and left States free to determine in what manner and in what currency they would receive their revenue from their own citizens. Many have supposed that this decision determined against the constitutionality of the issue of Legal Tender Notes by the Congress of the United States, but this point was not decided, and still remains an open question.

I had intended to recommend the Legislature to so change our revenue law that United States Notes should be receivable for taxes, but when we reflect that we are a gold and silver producing State, are now prospering beyond measure, and consider how almost impossible it is to regulate questions of currency and finance by acts of legislation, that our circulating medium of gold and silver is the best in the world, and abundant, that our people are unused to paper money, I have questioned whether it would not be well to leave this question undisturbed to regulate itself by the laws of trade, at least till Congress shall have further legislated upon the matter.

This paper does not justify one in discussing financial questions; such matters appertain more properly to other departments of the State Government.

I have not found the duties of my office so arduous that I have felt authorized to employ any Counsel to assist me in their performance, except for some slight professional assistance in doing Clerks' duty, and in attending to Courts in San Francisco when I was necessarily absent, for which I have paid from a fund provided for costs and disbursements of suits in which the State is a party, and for the first time, I believe, in the history of the State, the Treasury is relieved from any claim of Counsel fees, except for that of Mr. Yale, retained, as I have stated, by my predecessor in office, and finding him in the case, I could not prudently do otherwise than to avail myself of the benefit of his valuable services.

Upon a recent visit to the State Prison at Point San Quentin, I was informed by the officers of that institution of certain preliminary proceedings for taking possession of lands adjacent to the Prison buildings, and now in use by the State. I have given such advice as will, in my opinion, be effectual in preventing any forcible occupation of the disputed premises, and will compel the claimants to these lands to resort to the Courts for any relief they may think themselves entitled to.

It is apparent that the State has a very limited amount of land, and not sufficient to answer the purposes of a Prison at Point San Quentin. The geographical position of the peninsula upon which the prison is located suggests that the entire point, embracing about three hundred

acres, should belong to the State. As there are very unimportant improvements upon the land in question, and its value for agricultural purposes very nearly valueless, I would suggest its purchase by the State if the parties owning the same would treat upon reasonable terms. If not, the land may be condemned under the Act.

This is the more important because some of the Prison buildings, guard houses, offices, and Commissary's storehouse, have been erected upon land to which, I am informed, the State has no claim of title. And the business of the Prison, under its contract system, is already bringing families and business occupations in too close contact with the Prison grounds.

There is another matter to which I desire to call your Excellency's especial attention, involving, in my opinion, considerations of justice and humanity.

We have in the Prison about six hundred convicts. From inquiries among prisoners, information from outside sources, and facts given me by the officers resident at the Prison, I am convinced that a very considerable number of these convicts ought to be discharged from confinement, and that an act of legislative clemency, (after careful investigation of facts,) releasing such prisoners as may be entitled to this mitigation of their punishment, would be of advantage to them, and of profit to the State.

It is not strange that a State, passing through such a history as ours, should, on some occasions, have done injustice to its citizens. Our early settlement was anomalous. The restraints of order, and the respect for law was, in the confusion of the early days, much relaxed; the temptation to crime was great; the moral restraints were weak; Judges were oftentimes unused to their positions. Sometimes a drunken Judge, from a night of debauchery, illustrated his contrition for violated law by imposing penalties of great severity, and terms of imprisonment of unheard of duration.

In not a few instances public excitement has pressed the conviction of the accused; the mob has clamored at Court House doors while the accused was undergoing the form of a trial. Some prisoners there are who, having committed a first offence, might be pardoned and restored to citizenship, and become for the future worthy members of society. Some there are whose terms of imprisonment should be shortened, that they may be again restored to a hope in the future. Some there are whom, I am convinced, have committed excusable offences, and some there are whom I believe innocent of any crime, and the victims of circumstances.

There are prisoners in San Quentin who have outlived the memory of friends, too poor to publish their petition for pardon, and to whom the pardoning power of the Executive is not likely to do full and impartial justice. Your experience in this respect has already doubtless convinced you that political influence, efforts of friends, and assistance of paid Attornies, is often brought to bear for those prisoners not most likely to be entitled to a pardon.

I would suggest that the Legislature appoint a Joint Committee of the two Houses, to visit the Prison, examine the commitments, converse with the prisoners, learn all the facts within their reach, and thus, when informed, introduce an Act such as policy, justice, and humanity may dictate.

The effect of which action, I am convinced, would be most healthful upon the prisoners left in custody; they will feel they had not been en-

tirely forgotten, and would hope that by good conduct they might in time become the recipients of a similar favor.

I am informed there are some sixty Indians in the State Prison, mostly sent from the extreme southern counties. I do not know that the very large bill which Sheriffs are entitled to receive for mileage may excite county officers to undue vigilance, but it does appear that of the amount of crime committed in those counties the per centage of convictions is very largely against the "poor Indian." I think most of those aborigines might be turned over to the care of the General Government, on the Reservations; and I would advise the mileage of Sheriffs be taken away, and in lieu thereof they be permitted to draw from the State Treasury their actual expenses for conveying prisoners.

The amount of two thousand dollars, appropriated for the costs and expenses of suits in which the State is a party, I find ample for all ordinary disbursements. I would, however, recommend such amendment to the laws as will compel defendants in criminal cases to pay the costs of their appeal, as I see no good reason why a criminal should be permitted the delay and experiment of an appeal without paying for it. If he is a pauper, the expense is properly a county charge, or the Clerk of the Supreme Court should be compelled to the performance of the duties of his office in this respect without charge to the Treasury of the State.

I would also recommend that the Clerk of the Supreme Court should be made a salaried office; that the fees of the Court be reduced and he compelled to pay his receipts into the State Treasury and draw his salary therefrom, as other State officers. There seems to be no very good reason why the Clerk of the Supreme Court should, for his services, receive a compensation very nearly equal to the amount paid all the Judges.

I have made no reference to the impeachment case of Judge Hardy, deeming it not improbable that circumstances might arise which would justify a special communication upon that subject.

Accompanying this report, you will find the copy of my official docket of cases, and memorandum of collections and disbursements.

I am, very respectfully,

FRANK M. PIXLEY,
Attorney-General of the State of California.



TRANSCRIPT OF DOCKET.

TRANSCRIPT OF ATTORNEY-GENERAL'S DOCKET, A. D. 1861.

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. Thomas B. Parker.....	County of San Joaquin—Court of Sessions.....	Criminal action for assault with intent to commit great bodily injury.....	By indictment.....	Judgment of fine of two hundred and fifty dollars and costs.....	Affirmed.....

The People v. J. B. Frisbie.....	County of Solano—District Court.....	Civil action to collect delinquent taxes.....	Action under the statute.....	Judgment for the State.....	.....

The People v. William Lawrence.....	County of Calaveras—Seventeenth Judicial District.....	Criminal prosecution for murder.....	By indictment.....	Judgment of death.....	.....

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. Perry Meriam	County of Alameda—County Court.....	Civil action to collect delinquent taxes.....	Action under the statute	Judgment for the State.....	Affirmed
The People v. John Walsh.....	County of Sacramento—Sixth Judicial District.....	Criminal action for murder...	By indictment.....	Judgment of manslaughter—imprisonment in the State Prison for three years.....	Affirmed.....
The People v. V. Sanchez.....	County of Santa Cruz—Third Judicial District.....	Criminal action for murder...	By indictment.....	Judgment of death.....	.....
The People v. Ah Ki..	County of Nevada—Court of Sessions.....	Criminal prosecution for grand larceny	By indictment.. ..	Judgment of imprisonment for three years in State Prison	Affirmed

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. Guisipini Poggi.....	County of San Francisco—Court of Sessions	Criminal prosecution as co-defendant as bailee	By indictment.....	Judgment of imprisonment for two years in State Prison.....	Reversed

The People v. Denis Murphy.....	County of Butte — District Court	Criminal prosecution for murder.....	By indictment.....	Judgment of manslaughter—imprisonment in State Prison for one year and six months.....	Affirmed

The People ex rel. Wetmore v. Wittinger	County of Contra Costa—Fourth District Court.....	Civil proceeding to determine the election of County Clerk.....	Quo warranto.....	Judgment for defendant.....	Affirmed

The People v. Ah Sing	County of Sacramento — Court of Sessions.....	Criminal prosecution for grand larceny	By indictment.....	Judgment of imprisonment for one year in State Prison	Affirmed

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. Thomas Hall.....	County of Trinity—Ninth Judicial District Court.....	Criminal prosecution for murder.....	By indictment.....	Judgment of death.....	Affirmed
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The People v. E. W. Bonny	County of Alameda—District Court of the Third Judicial District	Criminal prosecution for murder	By indictment	Judgment of death.....	Affirmed
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The People v. Himur Eckert.....	County of Butte—Court of Sessions	Criminal prosecution for felony, grand larceny.	By indictment.....	Judgment of imprisonment in State Prison for two years	Reversed
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The People v. Warren Meyer	County of Nevada—District Court, Fourteenth Judicial District	Criminal prosecution for murder	By indictment.....	Judgment of imprisonment in State Prison for ten years	Affirmed

TRANSCRIPT OF ATTORNEY-GENERAL'S DOCKET—Continued.

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. James Griffin	County of Santa Clara—Court of Sessions.....	Criminal prosecution for burglary	By indictment.....	Judgment of imprisonment in State Prison for one year	Reversed

The People v. L. D. Gatewood ..	County of San Mateo—Twelfth District Court.....	Criminal prosecution for murder.....	By indictment.....	Judgment of imprisonment in State Prison fifteen years...	Affirmed

The People v. Felipe Hernandez.....	County of Santa Clara—Third District Court.....	Criminal prosecution for murder.....	By indictment.....	Judgment of death.....	Affirmed

The People v. John A. McGlynn et al. Executors of the Estate of D. C. Broderick ...	County of San Francisco—Fourth District Court.....	Civil proceeding to escheat...	By information in equity and proceeding for escheat under the statute.....	Judgment for the State.....	Reversed

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.....
The People ex rel. Wm. Wilkes v. Wm. Henry Jones.....	County of Sonoma—District Court.....	Civil proceeding to determine the rightfully elected District Attorney.....	Quo Warranto.....	Judgment for plaintiff.....	Affirmed

The People v. Andres Pico.....	County of San Joaquin—District Court.....	Civil proceeding to collect delinquent taxes.....	Action under statute.....	Judgment for plaintiff.....	Reversed.....

The People v. Huber...	County of Butte—District Court.....	Civil proceeding to collect delinquent taxes.....	Action under statute.....	Judgment for plaintiff.....	Reversed

The People ex rel. Williams v. Turner.	County of Klamath — District Court.....	Civil proceeding to determine the eligibility of defendant as District Judge.....	Quo warranto.....	Judgment for defendant.....	Affirmed.....

TRANSCRIPT OF ATTORNEY-GENERAL'S DOCKET—Continued.

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People ex rel. C. H. Allen v. J. S. Stark.....	County of Napa — Seventh Judicial District.....	Civil proceeding to determine whether the Sheriff is ex officio Tax Collector	Usurpation of office	Judgment for plaintiff.....	Affirmed.....
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The People ex rel. John Fitzpatrick v. E. W. Greppen	County of Sierra — Seventeenth Judicial District Court.....	Civil proceeding to determine whether the Constable has the right to collect foreign miners' tax, etc.....	Quo warranto.....	Judgment for defendant.....	Reversed.....
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The People ex rel. Anderson v. Derrick	County of Shasta — Seventeenth Judicial District.....	Civil proceeding to determine whether the County Clerk is ex officio Clerk of Probate Court.....	Quo warranto.....	Judgment for plaintiff	Reversed.....
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The People v. Moor & Ord.....	County of Butte—Fifteenth District Court.....	Civil proceeding to collect delinquent taxes.....	Action under the statute	Judgment for plaintiff	Affirmed.....

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. P. Ord.,	County of Butte—Fifteenth District Court.....	Civil proceeding to collect delinquent taxes.....	Action under the statute	Judgment for plaintiff	Affirmed.....
The People v. Boscovitch.....	County of Tuolumne—Court of Sessions.....	Criminal prosecution for robbery.....	By indictment	Judgment of imprisonment in State Prison.....	Reversed upon confession of error.....
The People v. M. Branigan.....	County of Sacramento—Court of Sessions.....	Criminal prosecution for rape	By indictment	Judgment of imprisonment in State Prison.....	.....
The People v. Cabanas	County of San Mateo—County Court.....	Civil proceeding to recover money	Action on bond.....	Judgment for plaintiff.....	Reversed...

TRANSCRIPT OF ATTORNEY-GENERAL'S DOCKET—Continued.

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. O'Connell	County of Contra Costa—Fourth District Court	Civil proceeding to collect delinquent taxes	Action under the statute	Judgment for plaintiff	Affirmed
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Lin Sing v. E. H. Washburn	County of San Francisco—County Court	Civil proceeding to determine the constitutionality of the per capita tax	Action under the statute	Judgment for defendant <i>pro forma</i>	Reversed
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The People v. L. L. Frigitt	County of San Joaquin—Court of Sessions	Criminal action for assault with intent to commit murder	By indictment	Judgment of fine of seven hundred and fifty dollars	Affirmed
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The People v. Todd	County of Butte—Fifteenth District Court	Civil proceeding to collect delinquent taxes	Action under the Statute	Judgment for plaintiff

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. Greer...	County of Butte—Fifteenth Judicial District.....	Criminal proceeding for murder.....	By indictment.....	Judgment of death.....	.....
The People v. Jaseck ..	County of Solano—Seventh Judicial District.....	Criminal prosecution for manslaughter	By indictment..	Judgment of imprisonment in State Prison.....	Reversed by confession of error.
The People v. Wallace	County of Contra Costa—Fourth Judicial District....	Criminal prosecution for perjury	By indictment.....	Verdict of "guilty," set aside by the Court.....	.....
The People ex rel. S. H. Wetherbee v. T. N. Cognan	County of San Francisco—Fourth Judicial District...	Civil proceeding to determine the appointment of Emigrant Commissioner	Quo warranto....	Judgment for defendant.....	Affirmed

Title of Cause.	In what District, County, and Court Instituted.	Character of Cause—Civil or Criminal.	Mode of Prosecution, Nature of Demand or Crime.	Stage of Proceedings in Court Below.	Memorandum of Judgment in Supreme Court.
The People v. O. Newberry	County of Sacramento—Sixth Judicial District	Criminal prosecution for being accessory to murder....	By indictment.....	Judgment of imprisonment in State Prison.....	Reversed
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The People v. Ah Yet..	County of Tuolumne—Court of Sessions.....	Criminal action for grand larceny.....	By indictment.....	Judgment sustaining demurrer to indictment....
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The People v. Chas. G. Bailey	County of San Francisco—Court of Sessions.	Criminal action for embezzlement.....	By indictment.....	Judgment sustaining demurrer to indictment.

An Act was passed during the last session to enable the Attorney-General, out of any money coming into his possession, to expend the sum of one thousand eight hundred dollars (\$1,800) for clerk hire, service, and incidental expenses of suit, etc.

I have found it impossible to estimate, with any degree of accuracy, how much money has been collected through my agency, because, in several instances, money has been paid over to the State, as the result of opinions given from this office, or as the result of correspondence, and on one occasion after the commencement of suit under my direction by the District Attorney of the county.

Considerable sums have been paid into the State Treasury from delinquent taxes. Suits are commenced by the District Attorney, and on appeal to the Supreme Court, have been attended to. Thus, fines, taxes, and collections, have been made, and the moneys paid into County Treasuries, and thus reach the State Treasury.

The money transactions of this department, exclusive of costs and disbursements of suits, are as follows :

FRANK M. PIXLEY *in account with the State :*

1862.	DR.	
April.....	To collection from auctioneers.....	\$5,670 00
October....	To sale of schooner "Hicks".....	1,545 00
	Total	\$7,215 00
	CR.	
April	By cash paid Gregory Yale, as required by Act.....	\$2,400 00
April	By cash paid Isaac N. Thorne, as re- quired by Act.....	450 00
October....	By cash paid Traverse, commissions for sale of schooner "Hicks".....	77 25
October....	By cash paid Jones, Commissary of Prison	1,467 75
October....	By cash paid Clerk hire, services, etc., ten per cent on collections.....	1,800 00
		6,195 00
	Balance due the State.....	\$1,020 00

All of which is respectfully submitted,

FRANK M. PIXLEY,
Attorney-General.



TENTH ANNUAL REPORT

OF THE

Trustees of the Insane Asylum,

FOR

THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

OFFICERS OF THE ASYLUM.

RESIDENT OFFICERS :

W. P. Tilden, M. D.....	Resident Physician.
A. Clark, M. D.....	Assistant Physician.
Hiram Arents.....	Steward.
Mrs. E. Tittle.....	Matron.
H. T. Compton.....	Treasurer.

TRUSTEES :

G. A. Shurtleff, M. D., President.....	Stockton.
L. R. Bradley, Vice President.....	San Joaquin County.
T. R. Anthony, Esq.....	Stockton.
Austin Sperry, Esq.....	Stockton.
H. B. Underhill, Esq.....	Stockton.

ANNUAL REPORT.

To His Excellency,
LELAND STANFORD,
Governor of the State of California :

The undersigned, Trustees of the Insane Asylum of California, as required by law, herewith submit this, their tenth annual report, being for the year commencing December first, eighteen hundred and sixty-one, and ending November thirtieth, eighteen hundred and sixty-two. From the report of the Treasurer, hereto annexed, and constituting a part of this report, it will appear that the total receipts of the Treasury, from December first, eighteen hundred and sixty-one, to June thirtieth, eighteen hundred and sixty-two, including a balance then on hand of twelve hundred and sixty-five dollars and thirty-one cents, (\$1,265 31,) amounts to sixty-eight thousand five hundred and ninety-eight dollars and two cents, (\$68,598 02,) out of which bills have been paid to the amount of sixty-four thousand seven hundred and ninety-one dollars and seven cents, (\$64,791 07,) leaving a surplus unexpended from the appropriation of eighty-four thousand dollars (\$84,000) for the support of the Asylum for the fiscal year ending June thirtieth, eighteen hundred and sixty-two, of three thousand eight hundred and six dollars and ninety-five cents, (\$3,806 95,) which amount has been transferred to the General Fund for the fiscal year commencing July first, eighteen hundred and sixty-two.

You will also perceive, from the same report, that nothing has been received from the State Treasury on account of appropriation of seventy-five thousand dollars made by the last Legislature for the support of the Asylum for the present fiscal year. The entire receipts consist of the above surplus, together with one hundred and thirty-four dollars and seventy-five cents (\$134 75) for board of patients, and twelve thousand dollars (\$12,000) borrowed by pledging estimates amounting to fifteen thousand nine hundred and forty-one dollars and seventy cents, (\$15,941 70,) out of which bills have been paid to the amount of fifteen thousand six hundred and fifty-two dollars and eighteen cents, (\$15,652 18,) leaving a balance in the Treasury of two hundred and eighty-nine dollars and fifty-two cents (\$289 52.)

The Trustees have found it necessary, in order to keep up the contract system of obtaining supplies for the Institution, to borrow money at seve-

ral different times, pledging estimates therefor, and they are now paying interest at the rate of two per cent per month on the sum of forty-two thousand dollars (\$42,000.) However unfortunate this may seem, it is far better than to obtain supplies on the credit of the State at the prices that would, in such cases, be charged. It is earnestly hoped that the Legislature will make some arrangement, as was suggested in our last annual report, to secure the prompt payment of the monthly estimates of the Trustees, that they may neither be forced to abandon the contract system, nor lose so large an amount of their revenue in the payment of interest money.

We also transmit herewith the annual report for the past year of the Resident Physician, which will be found to contain a full showing of all the affairs of the Asylum. We concur in the suggestions therein contained with regard to the necessity of additional buildings for the accommodation and classification of patients, the provision of means for their proper employment and amusement, and guarding the State from imposition in the matter of maintaining patients whose friends are able to provide for them.

We take pleasure in saying that the Resident Physician, Dr. W. P. Tilden, has labored with great energy and zeal in forwarding the interests of the Institution, and in making the best use of the means at his command to secure the comfort of the patients under his control, and to promote their recovery. Many improvements have been made at his suggestion and under his supervision, and with a prudent regard to economy, that have materially promoted the objects of the Institution. And in the performance of the arduous duties of his position, he has been ably assisted by the Visiting Physician, Dr. A. Clark. At no time during the existence of the Institution, in our opinion, have the duties of these offices been performed, at least, with greater ability and success.

G. A. SHURTLEFF, President.

L. R. BRADLEY,	} Trustees.
T. R. ANTHONY,	
AUSTIN SPERRY,	
H. B. UNDERHILL,	

TREASURER'S REPORT.

REPORT.

OFFICE OF TREASURER INSANE ASYLUM,
Stockton, December 1st, 1862. }

To the Board of Trustees of the Insane Asylum of California :

GENTLEMEN :—I have the honor of submitting to you my report for the year commencing December first, eighteen hundred and sixty-one, and ending November thirtieth, eighteen hundred and sixty-two, inclusive :

RECEIPTS UNDER THE APPROPRIATION FOR THE FISCAL YEAR ENDING
JUNE 30, 1862.

	<i>Receipts.</i>	
1861.		
Dec. 1.....	To balance as per annual report.....	\$1,265 31
Dec. 6.....	To amount from Resident Physician.....	39 00
1862.		
Jan. 1.....	To amount received from Sather & Church, for balance of estimates of July and August, 1861, pledged to them.....	2,000 00
Jan. 1.....	To amount received for estimates of September and October, 1861.....	14,000 00
April 10....	To amount received of Resident Physician.....	165 45
May 8.....	To amount borrowed of J. M. Douglass, on estimates of November and December, 1861, and January, February, and March, 1862.....	30,000 00
May 15.....	To amount received of G. W. Havens, for articles from storeroom.....	12 81
July 5.....	To amount borrowed of Michael Reese, on estimates of April, May, and June, 1862.....	18,000 00
July 5.....	To amount received of Resident Physician, for collections in June.....	115 45
	Amount carried forward.....	\$65,598 02

<i>Receipts—Continued.</i>		
Nov. 26.....	Amount brought forward.....	\$65,598 02
	To amount received from J. M. Douglass, for balance of estimates of November and December, 1861, and January, 1862, pledged to him..	3,000 00
	Total receipts.....	\$68,598 02 .
	<i>Disbursements.</i>	
	Amount paid bills contracted prior to July 1, 1861, as per vouchers on file.....	\$64,791 07
	Surplus transferred to next fiscal year.....	\$3,806 95

RECEIPTS AND DISBURSEMENTS FROM JULY 1, 1862, TO NOVEMBER 30, 1862.

<i>Receipts.</i>		
1862.		
Aug. 5.....	To amount received from Resident Physician....	\$134 75
Aug. 28.....	To amount advanced by J. M. Douglass, on estimates of July and August, 1861.....	12,000 00
Nov. 26.....	To amount of surplus from last fiscal year.....	3,806 95
	Total receipts.....	\$15,941 70
<i>Disbursements.</i>		
Nov. 30.....	Amount paid audited claims to date, as per vouchers on file.....	15,652 18
	Leaving balance in Treasury of.....	\$289 52

The following statement shows the total expenditures of the Asylum for the year commencing December first, eighteen hundred and sixty-one, and ending November thirtieth, eighteen hundred and sixty-two, together with the amount expended for different articles :

For what Purpose Expended.	Amounts.
Groceries and provisions.....	\$13,669 71
Flour, bran, and middlings.....	6,551 09
Ranch butter.....	487 70
Hardware.....	831 66
Tinware, stoves, etc.....	1,318 57
Crockery.....	149 25
Potatoes and vegetables.....	5,423 10

For what Purpose Expended.	Amounts.
Liquors and lager beer.....	\$459 02
Butcher's meats.	3,461 86
Lumber.....	5,406 18
Small pox (extra expenses).....	358 88
Milk.....	755 92
Poultry and Fish.....	327 33
Dry goods, clothing, and shoes.....	7,119 68
Harness and leather-work.....	183 12
Stationery.....	112 50
Furniture.....	372 15
Passages of discharged patients.....	424 50
Hay.....	1,244 09
Labor.....	1,906 89
Printing and advertising.....	573 50
Tobacco.....	507 30
Ice.....	151 93
Wood.....	3,033 39
Salaries.....	28,598 88
Horse hire for pumping reservoir.....	344 25
Medicines and paints.....	1,222 46
Resident Physician, for contingent expenses.....	145 29
Per diem of Trustees.....	470 00
Interest.....	7,321 37
Returning escaped patients.....	116 50
Fruit trees, garden seeds, etc.....	706 19
Material (including lime, fire brick, coal tar, brick, sand, oakum, etc.).....	841 79
Rent of dwelling for Assistant Physician.....	202 13
Engine and boiler.....	600 00
Miscellaneous.....	992 00
Total.....	\$96,390 18
Add to this sum amount expended by Resident Physician, as per account marked A.....	1,279 90
Making the total expenditures.....	\$97,670 08

The following statement exhibits the financial condition of the Asylum at this date :

<i>Assets.</i>	
Cash on hand.....	\$289 52
Balance on estimates of February and March, 1862, held by J. M. Douglass, as collateral security for loan.....	2,000 00
Balance on estimates of April, May, and June, 1862, held by Michael Reese, as collateral security for loan.....	3,000 00
Balance on estimates of July and August, 1862, held by J. M. Douglass, as collateral security for loan	1,799 91
Estimates of September, October, and November, 1862, unpaid.....	22,593 73
Total	\$29,683 16
<i>Liabilities.</i>	
Bills audited and unpaid.....	\$21,420 21
Interest due J. M. Douglass on \$12,000 from May 8th, 1862.....	1,616 00
Interest due Michael Reese on \$18,000 from July 3d, 1862.....	1,764 00
Interest due J. M. Douglass on \$12,000 from August 28th.....	736 00
Total	25,536 21
Leaving a balance in favor of Asylum of.....	\$4,146 95

This balance, however, cannot be relied on as available to the Institution, because it must soon become absorbed by interest, which is now accumulating on loans of forty-two thousand dollars (\$42,000) at two per cent per month interest, making an item of expenditure of eight hundred and forty dollars (\$840) per month.

I beg leave also to call your attention to the fact that the expenditures of the Asylum for the present fiscal year, so far, have considerably exceeded the appropriation, as will appear from the following statement :

Estimate for July, 1862.....	\$6,250 00
Estimate for August, 1862.....	7,549 91
Estimate for September, 1862.....	7,755 42
Estimate for October, 1862.....	6,792 10
Estimate for November, 1862.....	8,046 21
Deficiency on November estimate.....	570 69
Amounting to	\$36,964 33
The appropriation for the five months, at the pro rata of \$6,250 per month, amounts to.....	31,250 00
Leaving a deficiency in five months of.....	\$5,714 33

I would further state, that in addition to the balance in the Treasury belonging to the General Fund, as per preceding report, I have on hand the sum of five hundred and eighty-two dollars and eighty-one cents (\$582 81) belonging to patients.

I have annexed an account (marked A) exhibiting a statement of the amounts collected from patients by the Resident Physician, together with his disbursements and payments to the Treasurer.

All of which is respectfully submitted.

H. T. COMPTON,
Treasurer Insane Asylum.

[A]

Dr. Wm. P. Tilden, Resident Physician, in account with Insane Asylum of California :

1861.	DR.	
Dec. 6.....	To receipts as per report	\$167 50
1862.		
May 5.....	To receipts as per report.....	626 75
June 5.....	To receipts as per report.....	665 05
July 5.....	To receipts as per report.....	115 00
Aug. 5.....	To receipts as per report.....	160.25
	Total	\$1,734 55
1861.	CR.	
Dec. 6.....	By sundry bills paid	\$128 50
Dec. 6.....	By amount paid Treasurer.....	39 00
1862.		
May 5.....	By amount paid Treasurer.....	165 45
May 5.....	By sundry bills.....	439 70
June 5.....	By sundry bills	126 37
July 5.....	By sundry bills.....	459 83
July 5.....	By amount paid Treasurer	115 45
Aug. 5.....	By sundry bills.....	25 50
Aug. 5.....	By amount paid Treasurer	134 75
	Total.....	\$1,634 55
	Leaving a balance in the hands of the Resident	
	Physician, as a contingent fund, of.....	\$100 00

REPORT
OF THE
RESIDENT PHYSICIAN.

REPORT.

INSANE ASYLUM,
Stockton, Dec. 1st, 1862. }

To the Trustees of the Asylum for the Insane of the State of California :

GENTLEMEN :—I now present for your consideration, my report on the condition and management of the Insane Asylum, for the year ending November thirtieth, eighteen hundred and sixty-two.

The following table shows “the principal facts and results” of the year—the number of patients December first, eighteen hundred and sixty-one ; the number received, discharged, died, and eloped, since that time, and the number remaining at the expiration of the year :

RESULTS OF THE YEAR ENDING NOVEMBER THIRTIETH, EIGHTEEN HUNDRED AND SIXTY-TWO.

Number of Patients Admitted, Discharged, etc.	Males.	Females.	Total.
Number of Patients December 1, 1861.....	328	88	416
Number admitted during the year.....	243	58	301
Number under treatment during the year.....	.....	.....	717
Number discharged.....	111	30	141
Number died.....	53	12	65
Number eloped.....	12	.....	12
Number discharged, died, and eloped.....	176	42	218

Causes of Death.	Males.	Females.	Totals.
Consumption	6	7	13
Marasmus	7	1	8
Acute Mania, (exhaustion).....	4	.....	4
Inflammation of the Brain.....	6	.....	6
Softening of the Brain	5	.....	5
General Paralysis.....	4	1	5
Simple Paralysis.....	4	.....	4
General Debility.....	2	1	3
Dysentery	5	.....	5
Diarrhœa.....	3	1	4
Ulceration of the Bowels.....	1	.....	1
Epilepsy	2	.....	2
Bronchitis.....	1	.....	1
Mortification	2	1	3
Secondary Syphilis.....	1	.....	1
Total.....	53	12	65

Although not as favorable as could be desired, the results thus shown are more encouraging than we had reason to expect in view of a state of things worse, in many respects, than at the commencement of the year. At that time there were one hundred and fifty patients in the Asylum more than we could properly accommodate, and scarcely a month had elapsed thereafter before we were called upon to remove over a hundred from the two outside wards to the main buildings—these wards being, during the terrible flood of that season, two feet in depth of water.

The sufferings of the patients and the inconveniences to the entire household thus occasioned, and continued for more than two months, can scarcely be imagined, certainly not described.

The inconveniences also suffered from the same cause, in the destruction of cattle, hogs, fences, bridges, embankments, fruit trees, and vines, together with the loss of lumber, wood, hay, and many other articles of minor importance, was very great, requiring an expenditure of twenty-five hundred dollars to replace the articles thus lost and destroyed.

Added to this chapter of misfortunes, was a visit, early in October, from the contagion of small pox.

I have, during several years' practice in a crowded city, passed through epidemics of cholera, small pox, ship fever, and kindred diseases, without further inconveniences than naturally consequent upon excessive labor, loss of rest, and anxiety for the safety of my patients, and I had believed that my intercourse with the various forms of disease, familiarized by twenty years observations, had prepared me to meet any emergency without more than ordinary apprehension; but the anxiety of my professional life, summed up in one shock, could scarcely have more than equalled the degree of alarm I experienced when, in passing through the wards on the seventh of October, I came suddenly upon two cases of small pox, which had developed themselves during the night before. It was not the disease itself that alarmed me, for with it I was familiar, but it was the thought of small pox *with such surroundings*; small pox in an Asylum having room for only two hundred and fifty patients, and

containing over five hundred persons; small pox in a crowd difficult to manage under the best of circumstances, but wholly unmanageable if the disease should spread through the Institution.

What could be done? Of course, they must be removed, but where to? That was the question. Some one suggested a vacant house in the country, distant a mile to the east. It was rented, and in three hours from the time the alarming discovery was made, the cases were comfortably located out of the reach of further harm to us. It was now necessary to prevent, if possible, the spread of the disease. General vaccination was resolved upon, and I will take occasion here to express my gratitude to Doctors Morse, Logan, Taylor, Harkness, Oatman, Simmons, and Montgomery, for their prompt and generous response to my call upon them for vaccine virus. While waiting for a supply of vaccine, another trouble arose in connection with these cases. The people in the vicinity of our newly established hospital, not one of whom were in the least danger, took alarm, and applied to the Board of Supervisors and the Grand Jury to have them removed; and failing in this, gave me notice (indirectly) that if they were not taken away, they would mob the place, and burn the house. Anxious to avoid a difficulty, I had them removed, at midnight, to the pest house in connection with the County Hospital, under the management of Doctor E. B. Bateman. By the prompt removal of the first cases, the effects of general vaccination, and the blessings of a merciful Providence, the further appearance of the disease was confined to one other case, which being immediately taken away, our small pox troubles came to an end.

How the contagion got into the Asylum I have never been able to determine. The filthy condition, however, in which many of the patients come to us from some of the county prisons, is at least suggestive that it may have reached us on the person of some one of them.

What with the want of room, an empty treasury, a limited credit, the inconveniences of the flood, epidemic diarrhoea and dysentery, and the contagion of small pox, it would be a matter of wonder if the results compared favorably with institutions which have escaped such misfortunes, and which lack nothing in proper arrangements and most approved appliances.

There is no greater satisfaction to those who have the management of the insane, than to witness their gradual convalescence, and to be able finally to discharge them cured. But as this depends almost, if not altogether, upon the condition in which they are received, a radical change must be made in the class of patients admitted, and in the arrangements and appliances of the Asylum of California, before the Superintendent will be able to rejoice, with Superintendents of other institutions, in a fair average of cures.

Denied the pleasure of such a record, by reason of difficulties which can only be removed by the Legislature of the State, he must endeavor, for the present at least, to be contented with the conscious discharge of duty.

The table following shows the physical condition, the duration of insanity, and the results, in the three hundred and one cases admitted during the year:

Physical Condition, Duration of Insanity, and Results, in Three Hundred and One Cases admitted during the Year ending November thirtieth, eighteen hundred and sixty-two.

PHYSICAL CONDITION.	Received.	Discharg'd.	Died.	Per centage of Cures.	Per centage of Deaths.
Good health—Duration six months and under.....	58	42	.....	72.41	.....
Good health—Duration six months and over.....	31	10	.....	32.26	.....
Good health—Duration unknown.....	58	20	.....	34.48	.....
	147	72	.....	49.00	.....
Bad health—Duration six months and under.....	55	9	9	16.36	16.36
Bad health—Duration six months and over.....	49	6	2	12.24	4.08
Bad health—Duration unknown.....	50	6	10	12.00	20.00
	154	21	21	13.64	13.64
Whole number—Duration six months and under.....	113	51	9	45.13	7.97
Whole number—Duration six months and over.....	80	16	2	20.00	2.50
Whole number—Duration unknown.....	108	26	10	24.81	9.26
	301	93	21	30.90	6.98

It will be seen by this table, that not only the mental state, but also the physical condition, and the duration of the disease, exert an all important influence in determining the results. Of those received in good physical health, the duration not exceeding six months, seventy-two and forty-one one hundredths per cent were discharged cured, and none died; while those of like duration, but in bad physical condition, sixteen and thirty-six one hundredths per cent only were cured, and an equal number died.

Much the same is seen in comparing the results in cases, the duration being over six months: of such as were in good physical condition, thirty-two and twenty-six one hundredths per cent were cured, and only twelve and twenty-four one-hundredths per cent of those in bad health. Like results are seen in the unknown cases—those of no previous history—of whom twelve per cent only of those in bad health were restored, while of those in good health, thirty-four and forty-eight one hundredths per cent recovered.

The difference in results in our Institution as compared with others, is seen in the fact that they cure from sixty to eighty per cent of all of their recent cases, whereas, of similar cases, we are unable to show more than forty-five and thirteen one hundredths per cent of cures. There is, however, still a wider difference between those Institutions and ours, which should be taken into the account in instituting comparisons.

They can be filled, and when they are full, further applications for admissions are rejected; when vacancies occur, they give the preference to applications for the admission of recent and curable cases, and they are generally provided with all of the best means for the treatment of their patients.

On the other hand, it seems that the Asylum of California *cannot* be filled, and, notwithstanding it has contained for the last four years a greater number of patients than could be comfortably provided for, still, like a Montgomery street omnibus, it is never so full but that room *must* be made for another; and now, although we have two hundred and forty-nine patients more than its utmost capacity can properly accommodate, yet they come, and must be crowded in. We have no right to reject any, whatever the condition of things may be. This power vests, under the law, upon the County Judges, with whom it is left alone to determine who shall and who shall not receive the benefits of the charity, and if I may be permitted to express an opinion, derogatory to the judgment of many of them, I will say that, judging from the character of a large number of cases sent to us, the Committing Courts must have lost sight of the nature and purposes of the Institution, and concluded to add to its uses the purposes of a State Poor House, and a place of general relief to the County Hospitals.

This, I doubt not, seems right and proper to them; but, in my opinion, there is no more effectual way by which the people of the State can be deprived of the benefits of an Asylum for the *Insane*. There is such a thing as crowding a place of the kind to such an extent, even with legitimate cases, as to prevent the accomplishment of the objects of such an Institution, namely, the *cure* of insanity; nay, more, it is beyond all controversy a fact, that crowding indiscriminately together, Poor House, General Hospital, and Insane Asylum cases, not only tends to prevent cures, but positively to fix, irrevocably, insanity upon many who might otherwise be restored. Painful as the thought may be, and disgraceful as the fact is, it is, in my most solemn judgment, true, that there are now in our Asylum over two hundred persons who, but for these reasons, and for the want of proper means applied at the right time, might have been cured, but who are now beyond all hope, and are doomed the remainder of their lives to "living graves."

The next table shows the length of time in the Asylum, and the probable result in the four hundred and ninety-nine cases remaining at this date:

Length of Residence and Probable Results in Four Hundred and Ninety-nine Patients remaining December 1st, 1862.

Length of Residence.	Favorable.	Doubtful.	Unfavorable.	Total.
From three to six months.....	52	29	12	93
From six months to a year.....	11	40	17	68
From one to two years.....	4	23	40	67
From two to three years.....			68	68
From three to four years.....			74	74
From four to five years.....			47	47
From five to six years.....			32	32
From six to seven years.....			30	30
From seven to eight years.....			15	15
From eight to nine years.....			5	5
Totals.....	67	92	340	499

The probable results awaiting the cases remaining, as shown in this table, are estimated upon the ages of the patients, their physical condition, the duration of insanity, and the condition of the Asylum. It is *possible*, were the crowd relieved, and means of employment provided, that many of those numbered among the "unfavorable" would be restored. Indeed, some may recover even under present circumstances; but, viewed as above stated, the probabilities are against every one of the three hundred and forty noted as unfavorable.

Thus it is under the most discouraging circumstances we enter upon the duties of the new year with four hundred and ninety-nine patients, three hundred and forty of whom may be reckoned as incurable, ninety-two as doubtful, and sixty-seven only who can be regarded as having a good prospect of recovery; and, too, with almost every conceivable inconvenience growing out of badly arranged buildings, insufficient inclosures, scarcely any means of employment, and the excessive crowd increasing. None but those who daily meet and struggle against such evils can understand and appreciate the unremitting labor, the perplexing toil, and the painful anxiety attending the management of an Insane Asylum poorly provided with everything but incurable patients.

To demand, under such circumstances, of a Superintendent results equal to those obtained at institutions which suffer no inconveniences of the kind, is as unreasonable and unjust as it was in the Egyptians to require of the Israelites to make bricks without straw. No one expects a harvest from the husbandman who is unprovided with implements to cultivate the ground, and who cannot obtain grain for use at seed time. Why, then, should it be expected of the Superintendent of an Insane Asylum to produce a rich harvest of results, when it is known to all, who have seen and understand, that while his field is overgrown with weeds, he is without the hoe, the spade, the shovel, and the plow, or if supplied with these implements at all, they are in character mostly such as have been thrown aside as useless thirty years ago.

The members of the next Legislature, upon whose action will depend whether the insane of California shall or shall not be properly provided for in another year, should bear in mind that men of science have determined, with no little degree of certainty, what *is necessary* for the cure of insanity; that these necessary means never have been, and are not now to be found in the Asylum but in a very limited extent, and that they cannot in reason expect better results if they fail to make the necessary provisions. To expect to attain ends without the use of appropriate means, is as clear a case of fanaticism, when applied to the maintenance of an Insane Asylum, as to any other object.

Supported by your generous co-operation, I have made many changes in the arrangements of the Asylum, and added some very important improvements, whereby much additional comfort has been secured to the patients, and many facilities added to the general conduct of the Institution. Further changes of any material importance, without a special appropriation, cannot be made, and when those now under way shall have been completed, nothing more can be done to advantage without extensive additions to the buildings and inclosures. These remain to be made by the Legislature, and it is most earnestly hoped that they will see the wisdom of making them without delay.

Tables A, B, C, D, E, F, and G, herewith submitted, present a carefully prepared abstract of everything of interest regarding the patients, not noted in the preceding tables.

TREATMENT.

The treatment of insanity has undergone great and important changes within a few years past—a just estimate of the nature and extent of which can be approximated only by comparing the results of the past and present, viewed in connection with the large number of great minds and warm and generous hearts which have been devoted, of late years, to the subject as a specialty. Education, habits of thought, enlarged experience, and the deepest compassion for human suffering, characterize many of those who have given their lives to this great and good work, and whose labors, though not appreciated by the outside world, have occasioned a revolution, second to no other, as applied to the relief of suffering man.

Not only have they opened prison doors, and given light, liberty, and life to thousands, but thousands more have, through their sleepless energies, been saved from the horrible realities of life in a dungeon; and their quiet zeal and patient researches have exposed to the commiseration of progressive minds the quackeries which characterized the management of the insane in former years. We hear, therefore, no more of vaunted specifics; no more of "chains and stripes, to cure the fury and depress the elevation of mind;" of "drawing all the vitiated blood off by degrees, so that a suitable diet might generate good blood;" no more of the wonderful virtues of "the juice of swallows, and the blood taken from behind the ears of an ass," and the like absurdities, which were in vogue when insanity was regarded as dependent upon demoniacal possessions, or upon a certain undefined and improbable degeneration of the blood.

The developments of anatomy, physiology, pathology, and chemistry, have secured for mental disorders a place in the catalogue of organic diseases, and the practitioner who would avoid the reproach of empiricism, must keep an eye as constantly upon the natural and organic laws of the physical system in the treatment of insanity, as in the intelligent management of other diseases. He must be careful, however, in taking this view, that he does not, in his practice, fall into the error of administering articles of the *materia medica* with the expectation of acting directly upon the disease, lest he be led to the dangerous practice of over-dosing, and into the error of estimating the probable results upon the number and variety of medicines he may succeed in introducing into the stomach of his patients. On the other hand, he should avoid, with equal care, temptations to adopt the "expectant," or do-nothing system of practice, or, more properly, no practice at all; for, however well supported by eminent authority, as applied to other climates, it will not, as a general thing, meet his expectations in the treatment of insanity on the Pacific coast.

I cannot agree with an eminent Superintendent of an Institution in the northwest, that "an Asylum is to the insane patient what the splint is to the broken limb," if by this he intended to convey the idea that confinement and rest will meet the indications in the treatment of all cases of curable insanity. This is certainly an extreme view, within which I am sure it would be impossible to bring very many cases in California with much hope of success. While it is doubtless true that many cases need only quietude and rest, it is also true that in this country there are many more whose only hope of recovery depends upon arousing them from the mental and physical torpor into which they have fallen, and there are but few cases which cannot be benefitted, more or less, at some

period, by a moderate and judicious use of medicines. The expectant system is, I doubt not, a convenient and pleasant mode of management to those who have implicit confidence in its utility, but the character of patients received into Asylums on the Atlantic side of the Continent, must have changed materially in a few years, if it is found to be the most efficient of the means of recovery in any of them.

The course presented to my mind as the most judicious, and promising the best results in the Asylum of California, is that which regards insanity as an "outward manifestation of some change in the central organs of perception and thought," and which regulates the use of remedial agents, as in other diseases, according to the peculiar manifestations, the age, sex, temperament, and other modifying influences. It is found that in some cases, medicines alone suffice to bring about reaction and recovery, others have been restored by moral agents alone, but by far the greater number require the conjoint use of both. There are, however, with us, as in all Asylums, those which resist the use of all the means at our command.

If it be true, that the physical organization is but the medium through which the living spirit, or imperishable man, holds connection with the outer world, it follows that we must look for the proximate cause of insanity to some change in the organism of the brain—the medium through which the powers of the mind are manifested—and not to any change in the mind itself. Powers known to physiologists as "vital energies," are but so many means of expression of the imperishable man made through perishable organisms, and the productions, or "secretions" of organs are only so many manifestations of these powers.

The organs constituted for the uses of the vital energies have no powers, *per se*, by which they can produce their secretions. The liver, for instance, secretes bile, the kidneys urine, and the parotid glands saliva, not independently of, but subserviently to a living principle which thus manifests itself.

The secretions may become morbid, or suspended altogether, but not from changes in the vital energies which preside over them, but because of changes in their several organisms—the peculiar formation and adaptation of the constituents of which having suffered some interruption to their normal state and relations.

In like manner may the powers of the mind—attention, comparison, imagination, reflection, and reason—be suspended wholly or in part, and the intellectual expressions become incoherent and deranged; but the derangement in the manifestations of these powers cannot be properly referred to changes in the mind itself, but rather to some disturbances suffered by the organism of the brain, upon the normal condition of which depends healthy mental action. The darkness which surrounds the connection of spirit and matter, constituting the living, moving, breathing man, renders it impossible to determine, with any great degree of accuracy, the nature of the lesions of the brain which occasion the several types of insanity, nor can we, for the same reason, draw the line between disorders from functional derangements, and those occasioned by organic changes, if indeed it can be said, in truth, that insanity can exist at all from functional derangement alone.

To the developments of microscopic anatomy and animal chemistry, we must look to lift the veil and clear away the mystery; and we may not be expecting too much, perhaps, when we express the hope that these great agencies in the hands of zealous students will throw such light on the lesions upon which depend mental derangements, they will eventually

become as familiar to the minds of medical men as the changes which denote other diseases.

In the Asylum of California, *kindness* is the law upon which everything pertaining to its government is based. *Punishment*, applied to the patients, is unknown in the adopted or practiced rules; and *restraint* has no practical signification, farther than is found to be absolutely necessary to protect the life and secure the well being of all. Believing that a sense of freedom is more devoutly cherished than any other earthly gift at the hand of a beneficent Creator, and satisfied that its enjoyments are seldom forgotten, even by the unfortunate inmates of an Insane Asylum, and that much of the dissatisfaction, restlessness, and anxiety, witnessed in such places, is occasioned by a feeling of restraint, it has been with me a constant effort to secure to every one under my management the largest liberty consistent with safety and security. In this, possibly, I may have erred in some cases, as several have taken advantage of it and made their escape; but in such cases, I have the consolation of knowing that, if an error at all, it was on the side of mercy—the course pursued having, in every instance, been dictated by a desire alone to benefit the patient. A majority of escapes, however, have been of persons who have feigned insanity in order to avoid the punishment of crimes committed. Excepting cases of elopements, the effects of this system of management have been highly satisfactory.

It must not be supposed, however, that the use of strong rooms and other means of restraint have been discarded altogether. Not so; for, however desirable, I have not found the system of non-restraint applicable at all times in all cases. It is, however, the rule, the exceptions being comparatively few in number. I have not bound myself to any theory or special mode, but have endeavored, in my intercourse with the patients, to direct the general management, as I have done the special medical treatment, according to the physiological and pathological indications in the individual cases of the several classes. I have not, however, been able, in allowing the patients access to the airing courts, to preserve the lines describing the several classifications.

Having but one airing court for the use of the male department, I have been compelled to pass by the importance of classification, or deprive the patients of the benefits of exercise in the open air. Regarding the latter as of the greater importance, and not being able to secure the benefits of both, I have adopted it as the rule, at the almost entire expense of the former. Were it possible to afford the patients the advantages of both classification and enlarged liberty, much, I doubt not, would be added to the favorable results now obtained.

In the medical department I have not unfrequently used combinations recommended by Superintendents on both sides of the Atlantic, but in most of such instances I have met with but little else than disappointment; especially so in the combinations of narcotics, successfully used elsewhere, to quiet the excitement of acute mania. It has been rare, indeed, that any article, or combination of articles, of the *materia medica*, administered directly with this view, have been of any special or perceptible advantage. Gentle laxatives, stimulants, and tonics, plain and nutritious diet, frequent exercise in the open air, now and then an anodyne at night, with mild and persuasive moral means, have been far more efficacious in subduing the violence of mania, than the use of narcotics in any forms or combinations.

The articles from which I have received the most satisfaction in gene-

ral use in the Asylum, are opium, morphine, extracts of conium, hyoscyamus, and cicicifuga, camphor, sulphuric ether, chloroform, the several preparations of iodine, bi-hydrogen, precipitated carbonate and citrate of iron, quinia cinchona, and other vegetable tonics, with the milder class of purgatives, and occasionally, emetics.

I have preferred, as a general thing, to administer these articles in their simple forms, but have, not unfrequently, used them to much advantage in various combinations. Much benefit has also been derived from the use of setons, blisters, tartar emetic ointment, and croton oil, as counter irritants.

EXPENDITURES.

It will be seen by the tables showing the several accounts, that the cost of maintaining the Asylum for the past year has been more than the year previous. This is to be accounted for: *First*—By a daily average of twenty-three patients in addition to the number provided for in eighteen hundred and sixty-one. *Second*—By an advance in the price of provisions, etc., of about twenty per cent over the prices of that year. And *Third*—By the fact that the Treasury was empty, and there was no money to meet the bills purchased under contracts at cash prices, and for this reason the contract bonds were cancelled, and we were thrown upon the market to provide for the Institution as best we could, without any definite prospect of means to pay. It has therefore cost from twelve to fifteen hundred dollars a month more to maintain the Institution than if we had been able to purchase under contracts at cash prices.

From the uncertainty hereafter of obtaining means, monthly, from the General Fund, to meet the current expenses, it will be necessary either to abolish the contract system, or to make the annual appropriation a special fund—otherwise the farce will have to be re-acted of entering into contracts, to be thrown up again for the want of money to meet them; and to abolish the contract system would be to add twenty or twenty-five thousand dollars to the annual expenditures. The wisdom, therefore, of setting apart a fund for the use of the Asylum is plainly to be seen.

Table First—An exhibit of the Steward's account, in which is shown the amounts expended for all purposes in connection with the Asylum, farm, garden, dairy, etc., together with the pay roll, and fuel account. Total, sixty-four thousand six hundred and thirty-two dollars and seven cents, (\$64,632 07.)

Table Second—The expenses of the office, in which is shown the Secretary's salary, Messenger's salary, cost of stationery, post office box, postage stamps, lights, and fuel. It also shows the amount expended on discharged patients, many of whom having no means to defray their expenses homeward, are furnished with orders on the steamboats and stage companies, to convey them to San Francisco, Sacramento, or other places, on their route, and when it requires more than one day to reach their homes, they are supplied with a small amount of money to prevent suffering from fatigue and hunger. Total, two thousand one hundred and thirty-one dollars and forty-four cents, (\$2,131 44.)

Table Third—Exhibits the expenditure for the year on the Resident and Assistant Physicians' dwellings. Total, three thousand two hundred and seventy-one dollars and fifty-four cents, (\$3,271 54.)

Table Fourth—Shows the amount expended for improvements, repairs, and extraordinary supplies. It would occupy more space in this report than I deem necessary to give to the enumeration of everything em-

braced in this account. Those who desire to see the items can do so by referring to the books of the Asylum, where they will find everything recorded in its appropriate place. The principal work done during the year was in completing the sewer commenced in the summer of eighteen hundred and sixty-one, and in building a laundry.

You will remember, doubtless, that the work on the sewer was interrupted early last season by repeated rains, and that it was finally stopped in the early part of January. It was resumed about the middle of June, and completed the first of October.

The sewer and reservoir answer admirably the purposes of their construction, namely: sewerage, irrigation, and fertilization. The entire cost of construction was five thousand four hundred and forty-five dollars and forty-two cents, (\$5,445 42.) Relieving us, as they do, of the abominable consequences attending the numerous cesspools in the yards, their value to the Institution, as a sanitary measure alone, would have justified the expenditure of three times the amount they cost. In estimating their value, however, we must not lose sight of the fact that they afford ample means for the irrigation of the entire hundred acres of land, and that every acre thus irrigated is at the same time fertilized.

The laundry, consisting of a building thirty-two by fifty-four feet, two stories high, and put up in connection with the boiler and engine used in pumping and sawing, is rapidly approaching completion. It is inclosed and partitioned. The furnace for heating irons and supplying heat for the drying room, and the "running-gear" of the machinery, are also in their places, and we expect, in the course of a month or six weeks, to have the entire work in full operation.

Among other improvements of special importance may be mentioned brick additions to the second and fifth wards of the male department, and the third ward of the department for females, now being constructed. These additions will secure to each of those wards, a clothes room, bath room, and water closet—conveniences, the want of which have been felt for a long time.

We have also erected a building in the airing court of the male department, in the place of the temporary structure erected last year for the purposes of a gymnasium. This was put up in the early part of the summer, and is in size forty by one hundred and ninety feet. Several swings and some gymnastic apparatus were put in at the time of its completion, but the necessity of concentrating all of our force upon the sewer and other indispensable works, compelled us to defer putting in bowling alleys and other things designed for the exercise and amusement of the patients.

Table Fifth—Is a summary of the several accounts, showing the monthly expenditures and the exact cost, exclusive of the salaries of the medical officers, of maintaining the Institution, and the cost of improvements, from November thirtieth, eighteen hundred and sixty-one, to December first, eighteen hundred and sixty-two. Total, eighty-three thousand three hundred and fifty-five dollars and fifty-six cents, (\$83,355 56.)

Table Sixth—Supplementary to the Steward's account—exhibits the amount expended on the garden, farm, and dairy, and the value of the products obtained therefrom.

Table Seventh—Is an exhibit of averages—the average cost per day and per month—and the average cost per capita per day, per capita per month, and per capita per year; and the combined total cost per day, per month, and per year.

IMPROVEMENTS REQUIRED.

In the construction of Asylums for the Insane a third more of room is allowed for a given number of patients than is required in Hospitals for the treatment of general diseases. Computing the capacity of our Asylum by this rule, its accommodations do not exceed the room necessary for two hundred and fifty patients, whereas there are at this time four hundred and ninety-nine to be provided for. To find places for so great a number to sleep, beds are crowded together until almost every room presents the appearance of a *corral*—a place well known as an indispensable provision to a country hotel in California.

While every available square foot of the rooms is thus occupied by such patients as can be crowded into them, the remainder are accommodated with beds on the floors in the halls of the first, third, and fourth wards, and when it is remembered that, besides the care and attention required by all insane persons, from thirty to fifty of these beds must be changed and washed every day, an idea may be obtained of the services rendered by the nineteen attendants, who have the immediate charge of so many patients, to preserve the neatness and order observed every day in every ward.

In my report of last year, I expressed the opinion that a continuance of things in the Asylum as they then existed would result, in a few years, in a daily average of seven hundred patients to be maintained by the State. The experience of another twelvemonth, without material change, has, I think, confirmed, to some extent, the correctness of that opinion—the year having commenced with four hundred and sixteen, and ended with four hundred and ninety-nine patients, making an increase of eighty-three.

The only remedy I can see for these evils is to provide necessary room and proper means of employment. In the use of the term *employment*, the meaning is not limited to labor on the farm, in the garden, or in the various mechanic arts, but also as embracing the means of diversion afforded by a good library, highly cultivated airing courts, religious exercises, lectures with illustrations, theatrical performances, gymnastics, bowling alleys, billiards, chess, checkers, music, and dancing; in short, every means that can be devised to divert the mind from the employment of the faculties of the brain involved in hallucinations, and arouse the energies of those which have become dormant from whatever cause.

To show *how* employment is an important agent in the treatment of insanity, would embrace a physiological and pathological discussion in extent scarcely admissible in an annual report. Its effects, as shown in this and other Asylums, will probably suffice to convince the minds of the legislators of California of its necessity. The employment in making the excavations for the reservoir and sewer, resulted in the restoration of six or eight patients, who had been in the Institution from two to four years, and who had given no evidence of improvement up to that time; indeed, two or three of them had been regarded as among the hopeless. Very decided benefits have also been observed, in many cases, from the enlargement of our library and reading room, and the use of the small gymnasium erected in the summer of eighteen hundred and sixty-one, in the airing court of the department for males.

If the beneficial effects of employment extend no further than to produce the contentment, quietude, and cheerfulness, resulting therefrom, it would be a sufficient argument for the introduction of the necessary ap-

pliances; but it does not stop there; it leads in many cases to positive cures.

Referring to this subject, Dr. Kirkbride, Physician in Chief and Superintendent of the "Pennsylvania Hospital for the Insane," in his twenty-first annual report, made in eighteen hundred and sixty-one, remarks:

"When proper pains are taken to interest patients in mechanical pursuits, it will always be found that quite a considerable number are ready and glad to engage in them; and the want of occupation in Hospitals for the Insane is so serious an evil that no one branch of their arrangements is worthy of more earnest attention. * * * * Pleasant forms of labor, from which we see actual results, are more gratifying and useful for most than mere exercise for the purposes of health; and yet, if nothing better can be done, simple walking in the open air during a large portion of the day is vastly preferable to the listlessness too often observed in the wards."

Such is the opinion of an able and successful Superintendent, after the experience and observation of twenty-one years at the head of one of the best Institutions in the Atlantic States.

On the subject of "evening entertainments, instruction, and amusement of the patients," the same eminent physician says:

"Every year adds to the conviction of the great importance of these entertainments in the management of a Hospital for the Insane. It is quite possible, with proper zeal and determination, to make the evening hours in such Institution the most pleasant in the whole day. * * * * The first step is to have the corridors and parlors cheerfully lighted and comfortably furnished, to have in progress agreeable work, pleasing games, interesting to lookers on as well as players, pictures of various kinds, pleasant reading, or music, and varying novelties, that those best qualified for positions here will be constantly suggesting * * * * In nearly all cases, life, to be really happy, must be one of action; especially is it so in a Hospital like this. From the hour of rising in the morning till that of retiring at night, except in cases of ordinary illness, or high excitement, almost constant movement, change of occupation, variety of scene and surroundings, cheerful physical exercise, and prudent mental employment, are needed for every day, to develop the most successful results, and aid in promoting cheerfulness and tranquility in the wards."

On the same subject, Dr. Butler, Superintending Physician of the "Retreat for the Insane," at Hartford, Connecticut, after referring to "new and increased facilities for all sorts of social gatherings" afforded by the construction of an "amusement hall," adds:

"As often as once or twice a week, during the winter, our hall has been filled with an amused, interested, and attentive audience, either joining in our dancing parties, or listening to lectures, concerts, Ethiopian minstrels, private theatricals, etc. These hours, thus spent, have most clearly demonstrated the power of cheerfulness as a remedy, and that laughter oftentimes 'doeth good like a medicine.'

"The effect of these various entertainments is not the same upon all. Their varied character, however, is such that there are but few of our inmates who do not at some time come within their enlivening and cura-

tive influences. Nor are they mere opportunities of display, or mere changes of scene in the dull monotony of a listless life. They have a deeper influence.

"In no family or association of equal numbers is there greater diversity of character than in one like ours. The greater the fertility of resource, and the variety of means, therefore the more effectually are these diversities met and rightly influenced. To suppose that the inmates of a Lunatic Asylum must necessarily be in a state of continued unhappiness, is as erroneous as to suppose the Asylum itself a place only of confinement and suffering."

In support of these views, Dr. Butler quotes from Hanwell Reports, eighteen hundred and forty-two, the remarks of Dr. Conolly, than whom no one has labored more zealously or written more wisely in behalf of the insane. Speaking of the importance of entertainments in the management of the insane, Dr. Conolly says:

"Their effect is to cheer and console the depressed, as manifestations of the consideration felt for them, and the desire entertained for their happiness, and to interrupt the unhappy thoughts of the more disturbed with the association of innocent diversions and joyousness. They are looked forward to with pleasant anticipations, and the patients join in the bustle of preparation for them with alacrity and cheerfulness. The happy assembling, the delight evinced during the hours of entertainment, their grateful expressions on the breaking up of the party, and their orderly and good humored departure from the scene of simple gaiety, leave the unaccustomed spectator impressed with wonder, and the most familiar with such a scene filled with the emotions naturally arising from the view of so much happiness created by the mere exercise of kindness in mansions thought to be dedicated only to scenes of suffering and woe.

"These little indulgences are found to blend themselves with the best part of moral management, and to contribute to secure the confidence and affection of the insane. The gratitude thus created becomes a bond of great power, for the patients in general fully appreciate all that is done, not only to protect them from suffering, but to impart positive comfort and enjoyment to them."

Thus, twenty years ago, one who had devoted the vigor of his life to the relief of the insane, in lecturing and writing for the instruction of those having the management of this class of unfortunates, expressed himself in regard to the importance of means of diversion in the conduct of Asylums. The effects of the labors of Conolly and his coadjutors, may be seen in the system under which the management of Asylums is now conducted in England. The observations of Dr. Jarvis, of the Dorchester Asylum, Massachusetts, upon the "Mechanical and other employments for the patients in the British Lunatic Asylums," published in the October number of the "Journal of Insanity," are so much to the point under discussion, I cannot refrain from making large quotations, even with the fear before me of making my report too long. Dr. Jarvis remarks:

"One of the most noticable things which an American finds in visiting the County and Borough Lunatic Asylums of England, is the quietness and loneliness of the wards during the day time. On inquiry as to the

cause, he is told that most of the patients are engaged in various occupations on the farm and the grounds about the house, in the garden, and in the workshops. Going out of the Hospital, he finds men everywhere at work, digging, hoeing, shovelling, raking, wheeling, performing all sorts of labor connected with horticulture and agriculture, and apparently as correctly and sanely, and certainly as quietly and steadily, as sane men do similar things in the fields and gardens elsewhere.

"On further examination, he finds shops of many kinds where carpenters, blacksmiths, cabinetmakers, tinmen, shoemakers, engineers, tailors, plumbers, matmakers, upholsters, etc., are engaged in these and other mechanical occupations. I found these in all the Public Asylums I visited; they seem to be common, and perhaps universal, throughout the kingdom, for it is the acknowledged policy of those who have the general administration of the insane, and those who have the special management of the Asylums, to employ the patient's body and brain, his limbs and his mind, as much as possible, in a sane way, and on sane subjects, and for some real purpose to which he can give his attention. They find this generally can be done the most easily and effectively in such occupations as had been most familiar and agreeable to the patient when in health, or those which they suppose will be the most attractive to him when his mind or affections are deranged. * * * The moral discipline of the general industry, the influence of the kind, judicious, and appropriate leader who superintended the operations, whether in the shop or abroad, and the sympathy and example of other patients who were working in the same way, and in the same room or place, operated, in great degree, to overcome any restlessness, to keep down any uprising spirit, to restrain vagaries of thought, and hold their minds to the work before them. * * * They seemed to be as much interested in the business assigned them, and as attentive to the several processes, and to use their tools with as much care and safety, as other and sane men do in the outer world, and, as far as I could see, with as much skill as men of their degree of general or special culture and practice in these handicrafts do in other and similar shops. * * * I inquired everywhere, whether this employment of the insane, as carpenters, blacksmiths, etc., and entrusting them with sharp tools and dangerous means was safe, and I was universally told that it was. I heard of only one instance of any harm growing out of the practice, and that proved to be of no serious consequence. It did not, in the minds of the Commissioners in Lunacy or of the Managers of the Asylums, have any weight against the system, nor lessen their confidence in the propriety and feasibility of the general adoption of mechanical occupations among the means of treatment of the insane. * * * I discovered no difference of opinion among all who were interested in, or connected with Lunatic Asylums, as to the safety, advantage, and propriety of employing patients as artisans. All agreed that it was advantageous for the Institutions and profitable for the patients. * * * Of course, there are some in every establishment of this sort who cannot be persuaded to work or occupy themselves in any way. The very aged, the feeble, the sick, the paralytic, cannot work. Some are too excitable, and doubtless some are too torpid; some may have too little intellect to comprehend any process, and some are able and intelligent, but unwilling.

"But, making all these deductions, the Managers have been able to induce about two thirds, and often more, to engage in some kind of labor, and sometimes this proportion has run up as high as ninety per cent of all; yet this is a rare success, and due to a favorable combina-

tion of circumstances and conditions that may not be expected in the usual course of Hospital life. * * * The average of the fifteen Asylums, in which the proportion of both sexes employed is stated, is: of male, sixty-seven and two tenths (67.2) and of females, sixty-nine and two tenths (69.2) per cent."

In regard to the effect of this system on the patients, I quote from the Doctor's comments, briefly, as follows :

"While they are thus engaged, their minds are brought back from their wanderings, or down from their exaltations, or raised up from their grovelling, to the active and sober realities of things which their hands more or less effect, and for which they feel some responsibility, and consequently their disturbing emotions are, at least for the time, quieted and easy. As no two particles of matter can occupy the same point in space at the same moment, so no two absorbing thoughts or emotions can occupy the mind or heart at the same instant of time. So long, then, as those whose minds are prone to wander in delusions, are engaged in mechanical or other employments, their thoughts must be given exclusively to the conduct and succession of natural events and real processes; and as the mind cannot admit or be possessed by both the sane and the insane idea, the insane one must be excluded, and the sane one reign paramount; all the mental powers of the worker which are in action for the moment are sane, and the mental disorder is, for the moment, or succession of moments, suspended. * * * * While the patients are thus occupied, they are relieved of the presence and pressure of irritating causes; they are better satisfied with themselves, for their morbid and disturbing feelings are at rest. They are better reconciled to, or at least they are not at internal war with, others; their minds are acting and their emotions are flowing in harmony with whatever they are then resting upon, and with whoever co-operates with them. There is then no jar within, no discord without, and, for the instant, they are at peace with themselves and with the world. * * * * They feel happier in the thought that they have done something as other and sane men do, they are therefore better satisfied with themselves, and more reconciled to their position; and as they have been practiced to move in concert with things out of themselves and with other men, so their spirits are less subject to restless discord and antagonism with things and people around them. They are then more cheerful, contented, quiet, and manageable, in the wards, in the shops, in the fields, and elsewhere, and the whole administration of the Asylum finds less obstacles and more co-operation, and does its work with more ease and effect; its influence is more willingly felt, and the means of cure are applied to the disordered mind with more efficiency and success."

AMENDMENTS TO THE ORGANIC LAW SUGGESTED.

To secure the success of the Asylum, it is necessary that several amendments be made to the organic law. At present the Institution is a home for many of the *poor* of the State, a refuge for the insane of other portions of the Pacific coast, as well as a retreat for the insane of California. The law requires that a person, to be entitled to the benefits of the Asylum, must be *insane*, and, by reason of insanity, *unsafe to be at large*; yet, notwithstanding this plain provision, we frequently receive, under orders from the County Courts, patients who, from physical disease,

are unable to stand alone, or step one foot after the other, and who, if affected in their minds at all, it is the weakness of old age, or intemperance, or perhaps more commonly both together, and I think it would not be a difficult matter to prove that insane persons from Oregon and British Columbia find their way into our Asylum through the streets of San Francisco. How the evil in the one case, and the gross imposition in the other, is to be met and corrected, the wisdom of the Legislature can, I doubt not, determine, but that they both should be removed, if the objects of the Institution are to be secured, will not, I think, be questioned.

That provision should be made for the comfortable support of the poor of the State, no one who has a heart in him will gainsay; and, in my humble opinion, the State can engage in no more commendable charity than to provide against the sufferings of the poor in declining years, and there is no better way, perhaps, in which such a charity can be dispensed than under the government of the Insane Asylum; but that it may not interfere with the proper care of the insane, and that its benefits may be fully realized, it is necessary that a department for such purpose be established apart from the buildings devoted to the legitimate objects of the Institution; otherwise it will be impossible to secure them from the dangers consequent upon daily contact with those who are liable at any time to become violent and abusive. It is cruel in the extreme to doom such persons, in the last hours of life, to constant association with the insane. Their habits, requiring a change of clothing, beds, and bedding, every day, and sometimes oftener, are irritating to the insane, and lead, not unfrequently, to altercations which, though severe, and even dangerous to life, are, under present circumstances, wholly unavoidable; for it is not possible that the attendants can be always at their sides to protect them, and the insane, generally ready to take advantage of any show of weakness, keep them in almost constant dread of personal violence.

An amendment should also be made to the law, whereby the property of persons committed to the Asylum can be made available for their support. It is now required that "paying patients," whose property, or whose friends, can pay the expense, while they remain in the Asylum, "shall pay according to the terms directed by the Trustees;" but, who are the "friends," and by what means the property, referred to in this clause, is to be made available, is not defined, and in almost every instance in which the patients have no property, however well to do their immediate relatives may be, they are committed as "indigent persons," and the burden of support falls upon the State. Indeed in many cases, of patients who have property, the committing Courts simply certify to the Trustees that "they have property, but *no available means*," and the law failing to prescribe the way by which the property shall be made available, it generally falls into the hands of *disinterested* friends, and the State supports the patients.

The law should require of the committing Courts to appoint guardians in such cases, whose duty it should be to make the property available, and transmit, with the patient to the Asylum, the first quarter's charges in advance, and good and sufficient security, to be approved by the County Judges, for the payment of future charges. From such an amendment a fair income would be realized, instead of the mere pittance now received from "paying patients."

The history of Insane Asylums, the world over, cannot produce

another instance, except, perhaps, in some of the pauper asylums in Europe, of five hundred inmates, of whom less than a half dozen are found on the list of "paying patients." The law must be greatly at fault, or there is culpable neglect somewhere; otherwise it is a fact, astonishing as it may seem, that persons in easy circumstances in California are singularly exempt from attacks of mental derangement.

Another evil which can be corrected only by an amendment of the organic law, is the facility with which criminals are now enabled to avoid the penalties of their crimes by the plea of insanity.

It is among the easiest things imaginable for a "smart scoundrel," prepared by previous notice for the inquest, to deceive the Physicians, whose judgment is usually rendered on a single examination; indeed, so well do some of them "play insane," they succeed, for a time at least, in deceiving those whose lives are spent in daily examination of mental diseases. Within the last two months a young man was received from a northern county, the class of whose disease was, according to the certificate of the examining Physicians, "mild insanity." A careful examination of the case on the part of the medical officers led to the suspicion that he had been committed for reasons other than mental derangement, which being confirmed by several days' further observations, I approached him in a familiar and confidential manner, when the following conversation took place:

Physician.—Robert, what induced you to *come* here? You are, to all appearance, a sound and healthy man, and I see no reason why you should be shut up in this place.

Robert.—Well, the truth is, Doctor, I was sent here to get me out of a bad scrape I got into.

Physician.—What kind of a scrape was it?

Robert.—When I was in Sacramento attending the Fair, I met some old friends from ———, and it being so long since I had seen them, we got on a kind of spree, and I suppose I drank too much. When they went home to ———, I went with them, and there I get into a difficulty, and struck a fellow over the head with a bottle, and it was believed he would die. I was arrested and put in prison, and while in there, Dr. ———, an old friend of our family, came to see me, and told me to "play insane," and I would be sent to Stockton, and that was the best way to get out of the scrape.

Physician.—So you succeeded in deceiving the Doctors who examined you, as well as the Judge?

Robert.—O, yes; there wasn't much trouble about that; in fact they didn't examine me much any how.

Physician.—Well, how do you like this place?—better, I suppose, than the State Prison or gallows?

Robert.—Yes, indeed; but, Doctor, how long will I have to stay here before I can get away?

Physician.—I don't know. It may be your story is only imaginary; or, perhaps, you are playing *sanity* on me to deceive me. I must keep you long enough to satisfy myself you are not an insane man. Possibly your's is a periodical case—a question I must determine before you can leave.

Robert.—Well, I hope it won't be long. What I tell you is every word true; besides, any body can see I'm not insane. My father died since I left home, and I want to start back in time to get across the mountains before the winter sets in.

About two weeks after this circumstance, Robert was set at liberty, and the day after he left the Institution the Chief of the Police of Stockton received a letter naming and describing him as a horse thief. His story may be true, or it may be false, but in either case it does not alter the fact that he had feigned insanity, and deceived the examining Physicians and committing Court, in all probability to escape the penalty of crime.

To protect alike the Asylum and society, it is important that more stringent measures be adopted to prevent such gross impositions. An amendment, such as would require the return of the criminal for trial, when found to have feigned the disease, might possibly remedy the evil. This has been done in a few cases, under order from the Courts, and I believe in every instance, the criminal has received his just deserts. When a *commitment* to Stockton shall cease to be full satisfaction for offences against the majesty of the law, interested friends will be less inclined to advise criminals to "play insane," and a fruitful source of supplying the Asylum with patients will be cut off.

There is another class of patients sent to us who should never be admitted into a general hospital for the insane, as the good they receive will hardly justify the evil occasioned by their presence. I mean the convicts from the State Prison. The practice of associating criminals with non-criminal citizens, is a disgrace to the age in which we live, and ought to be stopped, if for no other reason, for the credit of the State. Those who suppose that the innocent occupants of an Insane Asylum are indifferent to such associations, or that the practice can be continued without interfering materially with the successful management of the Institution, have very erroneous views of the condition of society in such a place. It has truthfully been said by Dr. Conolly that, "in a large majority of cases of insanity, the powers of observation are active and the understanding has a considerable range of exercise, while the affections exist as warmly, and the *sensibility* is as acute as in a state of perfect mental health." The feeling of "insult and injury" (to use the expression of some of the patients) occasioned by compulsory associations of the kind are, therefore, as keenly felt, by many of them, as it is possible for like associations to occasion in society at large.

Let every legislator and every citizen bring the question home, how he would like to be *compelled* to walk the same wards, exercise in the same yards, sleep in the same rooms, and eat at the same tables, with thieves, robbers, and murderers, and let the response to their own hearts and consciences be the standard by which they will measure justice and mercy to the innocent sufferers in the Asylum, whose welfare and happiness depends so much upon what may be done, or left undone, by the legislator and the citizen.

When it can be shown that proper provision cannot be made for insane convicts in the Hospital of the Prison, the plea of necessity for their removal to some other place can then be made, but not until then; and when such necessity can be shown, it will then be time enough to discuss the question as to what place they should be taken. Of the nine cases received during the past year, three only were insane, the others, expecting, doubtless, to obtain a better living and avail themselves of the easier means of escape, feigned the disease that they might be sent to us. The reports from those who have been returned, and the success of one in getting away from us, has encouraged others to make the experiment; and so constantly are they on the watch to escape, we can keep them

imparted to the patients on their arrival, I am sure they would feel amply rewarded for their gratuities. The Stockton Daily Independent and the San Joaquin Republican have not only contributed three copies each of their daily and weekly issues, but have also generously extended to us the use of many of their exchanges.

To the officers, attendants, and assistants, who have, generally, been diligent and faithful in the discharge of their duties, I desire to express my gratitude* for the cheerful assistance I have received from them during the long struggle against the evils occasioned by the extraordinary events of the year.

I desire especially to express my obligations to Dr. A. Clark, the Assistant Physician, for the willing and cheerful, as well as able and assiduous manner in which he has performed the duties of his office, and I should overlook a very pleasant duty at this time if I failed to express my gratitude to you, gentlemen, for the uniform kindness which has marked the personal as well as official intercourse between us, and for the consideration and ever ready attention you have given to the interests of the Asylum. Trusting in a continuation of your kindness, and the blessings of an all wise and merciful Providence in the future management of the Institution,

I remain, gentlemen, respectfully, etc.,

W. P. TILDEN,
Resident Physician.

APPENDIX.

T A B L E A,

Showing the different Counties from which Three Hundred and One Patients were Admitted.

County.	Male.	Female.	Total.
Alameda	2	.....	2
Amador.....	4	.....	4
Butte	6	1	7
Calaveras.....	5	1	6
Contra Costa.....	1	.....	1
El Dorado.....	12	5	17
Fresno.....	1	.....	1
Humboldt.....	2	1	3
Los Angeles.....	5	1	6
Mariposa.....	3	.....	3
Merced	2	.....	2
Mono	1	.....	1
Monterey.....	1	.....	1
Mendocino.....	2	.....	2
Napa.....	3	1	4
Nevada	6	1	7
Placer	6	2	8
San Francisco	80	29	109
San Joaquin	17	6	23
State Prison.....	9	.....	9
Solano.....	6	1	7
Sacramento.....	17	2	19
Sierra	3	1	4
Santa Clara.....	8	1	9
San Mateo.....	2	.....	2
Sonoma.....	4	2	6
Shasta.....	3	.....	3
Santa Cruz.....	1	.....	1
San Bernardino	1	.....	1
Siskiyou.....	2	.....	2
Tehama.....	2	.....	2
Tuolumne	12	2	14
Tulare.....	.....	1	1
Trinity.....	1	.....	1
Yolo	3	.....	3
Yuba.....	10	.....	10
Totals.....	243	58	301

T A B L E B,

Showing the Ages of Three Hundred and One Patients at the Time of their Admission.

Age.	Male.	Female.	Total.
Under ten years			
Between ten and fifteen years.....	1	1	2
Between fifteen and twenty years.....	3	2	5
Between twenty and twenty-five years	17	5	22
Between twenty-five and thirty years	33	12	45
Between thirty and thirty-five years..	53	12	65
Between thirty-five and forty years...	42	9	51
Between forty and forty-five years.....	17	4	21
Between forty-five and fifty years.....	16	5	21
Between fifty and sixty years	10	1	11
Between sixty and seventy years.....	1	0	1
Unknown	50	7	57
Total.....	243	58	301

TABLE C,

Showing the Nativity of Three Hundred and One Patients.

UNITED STATES.

Nativity.	Male.	Female.	Total.
Maine	5	1	6
New Hampshire.....	5	1	6
Massachusetts.....	7	1	8
Vermont.....	1	.....	1
Connecticut.....	6	.....	6
Rhode Island.....	1	.....	1
New York.....	13	3	16
Pennsylvania.....	3	3	6
Virginia	1	1	2
Maryland.....	2	.....	2
Kentucky.....	5	.....	5
Ohio	6	1	7
Missouri....	6	.....	6
Wisconsin.....	1	1	2
Georgia.....	3	.....	3
New Jersey.....	2	.....	2
Tennessee	3	.....	3
Illinois.....	4	1	5
Mississippi.....	.....	1	1
Arkansas.....	1	2	3
North Carolina.....	1	1	2
Washington, D. C.....	1	.....	1
Indiana.....	1	.....	1
Louisiana.....	1	.....	1
California	1	1	2
Totals.....	80	18	98

FOREIGN COUNTRIES.

Nativity.	Male.	Female.	Total.
Germany.....	12	2	14
China.....	11	.....	11
Canada	5	1	6
West Indies.....	2	.....	2
Ireland.....	31	18	49

TABLE C—Continued.

Nativity.	Male.	Female.	Total.
Mexico	2	3	5
Chile.....	3	.....	3
England.....	9	5	14
France.....	12	2	14
Prussia.....	3	2	5
Norway.....	1	.....	1
Denmark.....	1	.....	1
Sweden.....	5	.....	5
Scotland.....	4	1	5
Nova Scotia.....	1	.....	1
Switzerland ..	5	.....	5
Poland.....	1	.....	1
Italy.....	2	.....	2
East Indies.....	1	.....	1
New Brunswick.....	.....	1	1
Austria.....	2	.....	2
Saxony .....	.....	1	1
Wales.....	1	.....	1
Spain.....	1	.....	1
Unknown.....	48	4	52
Totals.....	163	40	203

RECAPITULATION.

Nativity.	Male.	Female.	Total.
United States.....	80	18	98
Foreign Countries.....	115	36	151
Unknown.....	48	4	52
Totals.....	243	58	301

TABLE D,

Showing the Ages at which Insanity first appeared in Three Hundred and One Patients.

Ages.	Male.	Female.	Total.
Under 10 years			
Between 10 and 15 years.....			
Between 15 and 20 years.....	4	2	6
Between 20 and 25 years.....	11	8	19
Between 25 and 30 years	25	13	38
Between 30 and 35 years.....	34	8	42
Between 35 and 40 years.....	22	6	28
Between 40 and 45 years.....	10	2	12
Between 45 and 50 years.....	7		7
Between 50 and 60 years.....	4	1	5
Between 60 and 70 years.....			
Unknown.....	126	18	144
Totals.....	243	58	301

TABLE E,

Showing the Supposed Causes of Insanity in Three Hundred and One Patients.

Causes.	Male.	Female.	Total.
Dissipation	17	.....	17
Pecuniary Losses.....	7	2	9
Ill Health.....	1	3	4
Masturbation	30	.....	30
Hereditary	4	1	5
Disease of Kidneys.....	1	.....	1
Paralysis.....	1	1	2
Spiritualism.....	5	1	6
Destitution	4	2	6
Love.....	1	1	2
Religion.....	2	5	7
Child Bearing.....	.....	3	3
Trouble	2	1	3
Injury	1	.....	1
Diseased Brain.....	5	.....	5
Family Trouble.....	3	5	8
Softening of the Brain.....	3	.....	3
Disappointment.....	2	.....	2
Misfortune.....	4	1	5
Intemperance and Masturbation.....	1	.....	1
Epilepsy.....	2	.....	2
Sun Stroke.....	2	.....	2
Wound on the Head.....	2	.....	2
Panama Fever.....	1	.....	1
Fractured Skull.....	1	.....	1
Absence of Husband.....	.....	1	1
Loss of Child.....	.....	1	1
Menstrual Diseases .....	.....	4	4
War in the United States.....	1	.....	1
Apoplexy.....	1	.....	1
Melancholy.....	1	.....	1
Working in Mercury.....	1	.....	1
Change of Life.....	.....	1	1
Hardship and Excitement.....	1	.....	1
Dyspepsia.....	.....	2	2
Separation from a Woman	2	.....	2
A Fall.....	1	.....	1
Unknown	133	23	156
Totals.....	243	58	301

TABLE G,

Showing the Civil Condition of Three Hundred and One Patients received during the Year.

Civil Condition.	Males.	Females.	Total.
Single	15	3	18
Married.....	10	17	27
Widows.....	.....	1	1
Widowers	1	.....	1
Unknown	217	37	254
Totals... ..	243	58	301

TABLE FIRST—Continued.

Showing the Steward's Account of Articles Consumed in the State Insane Asylum, and Cost of same, including Fuel Account and Pay Roll, for the Year ending November 30th, 1862.

MONTHS.	Cracked Wheat and Rice	Dried Apples	Fruit	Vegetables	Eggs	Fish	Syrup	Soap	Salt	Oil	Candles	Small Groceries
December	\$58 48	\$15 06	\$16 27	\$13 04	\$23 70	\$8 60	\$33 50	\$12 65	\$7 79	\$15 18	\$15 73	\$54 91
January	60 91	22 16	.....	.....	6 50	9 77	35 66	37 25	33 29	39 65	5 58	17 23
February	65 61	25 23	.....	.....	8 62	2 25	23 02	22 38	9 56	33 97	8 46	6 67
March	49 23	.....	.....	.....	9 13	15 11	46 26	58 96	12 12	46 45	3 50	7 18
April	55 50	41 36	.....	.....	6 49	17 36	40 96	53 31	10 40	32 70	25	16 73
May	74 06	61 70	2 30	.....	4 90	12 86	59 36	79 07	9 20	16 53	2 75	15 98
June	46 17	30 38	2 50	.....	3 77	4 01	50 46	40 86	8 80	22 71	.....	11 32
July	57 36	30 65	32 07	.....	7 83	8 50	48 59	51 31	7 35	14 43	4 75	3 95
August	41 32	.....	2 40	.....	1 65	10 00	37 67	53 00	5 93	13 00	3 38	3 90
September	76 16	19 75	.....	3 67	2 80	8 29	31 09	56 38	6 00	21 90	3 21	4 78
October	68 47	12 50	.....	8 26	6 43	11 08	33 32	51 69	8 40	31 67	4 91	21 49
November	71 19	23 12	8 25	4 20	7 25	9 97	35 26	62 12	9 59	26 39	4 50	17 77
Totals	\$715 69	\$282 96	\$493 59	\$329 27	\$89 07	\$117 11	\$458 15	\$609 01	\$128 73	\$344 61	\$57 45	\$184 79

TABLE FIRST—Continued.

Showing the Steward's Account of Articles Consumed in the State Insane Asylum, and Cost of same, including Fuel Account and Pay Roll, for the Year ending November 30th, 1862.

MONTHS.	Tobacco.....	Liquors.....	Drugs.....	Hardware.....	Dry Goods.....	Clothing.....	Boots and Shoes.....	Hats and Caps.....	Beds and Bedding.....	Blankets.....	Crockery.....	Corn Meal.....
December.....	\$9 00	\$22 50	\$8 75	\$1 50	\$31 70	\$291 40	\$90 94	\$33 00	\$52 02	\$225 00	\$7 73	\$22 41
January.....	14 90	12 01	1 85	5 37	40 27	213 59	174 90	12 00	20 63	113 00	20 65	28 88
February.....	20 57	37 75	12 85	2 29	59 27	193 35	114 02	22 25	109 00	95 00	5 69	16 50
March.....	26 25	12 60	17 50	18 31	38 00	165 03	96 40	2 75	81 98	37 00	8 09	34 25
April.....	29 65	7 00	9 82	73	9 24	156 81	86 29	50 50	83 50	.....	9 37	34 26
May.....	31 13	13 25	5 26	8 74	104 75	260 59	140 27	10 75	77 91	7 50	5 71	38 76
June.....	29 13	12 88	43 02	3 44	34 90	132 80	88 81	12 00	75 23	16 50	16 36	35 38
July.....	18 35	68 99	29 78	7 14	38 93	196 90	73 46	21 75	103 19	.....	78	24 00
August.....	59 71	31 15	26 56	1 75	65 45	146 30	116 34	25 13	153 36	.....	18 00	23 00
September.....	75 82	18 43	25 51	10 85	38 70	196 95	102 20	15 75	84 15	41 37	11 64	35 00
October.....	76 60	35 02	67 00	33 52	134 55	188 98	92 59	26 23	79 50	73 00	12 46	28 00
November.....	81 81	25 27	37 06	16 98	93 99	620 48	163 07	65 00	77 39	323 75	23 78	52 00
Totals.....	\$463 95	\$296 85	\$284 76	\$113 62	\$677 73	\$2,703 18	\$1,340 29	\$297 13	\$997 86	\$932 12	\$140 26	\$352 44

TABLE FIRST—Continued.

Showing the Steward's Account, of Articles Consumed in the State Insane Asylum, and Cost of same, including Fuel Account and Pay Roll, for the Year ending November 30th, 1862.

MONTHS.	Milk.....	Tinware.....	Fuel.....	Dairy.....	Stable.....	Garden.....	Laundry	Pumping.....	Cheese	Furniture.....	Miscellaneous.....
December.....	\$100 64	\$13 75	\$183 95	\$55 48	\$189 62	\$2 50	\$37 19	\$33 60	\$9 90	.....	\$99 54
January.....	110 44	5 51	215 79	53 18	52 00	.....	57 21	26 89	.....	.....	147 01
February.....	99 90	42 25	130 30	30 00	52 40	4 85	63 08	22 40	.....	.....	169 44
March.....	180 72	26 17	261 89	134 25	158 69	102 74	76 11	45 00	.....	.....	167 67
April.....	208 31	10 88	141 50	181 40	134 56	252 26	65 07	45 50	.....	\$10 50	169 42
May.....	302 48	75	97 88	170 12	129 01	135 50	63 05	31 90	.....	26 57	236 54
June.....	161 12	6 00	101 67	146 27	100 78	67 62	71 62	40 96	16 50	69 68	110 23
July.....	.....	43 63	79 62	198 75	91 52	194 71	75 22	.....	10 58	.....	195 66
August.....	.....	30 43	94 92	181 74	67 02	281 03	68 17	.....	.....	.....	145 24
September.....	.....	39 01	83 29	87 59	189 60	189 60	64 50	.....	2 98	.....	94 40
October.....	34 50	21 72	71 67	167 03	59 90	223 82	79 81	.....	.....	.....	108 18
November.....	27 00	10 25	100 46	114 45	122 15	203 84	76 16	21 43	6 10	.....	240 02
Totals.....	\$1,225 11	\$250 35	\$1,562 94	\$1,584 01	\$1,245 24	\$1,658 47	\$797 19	\$267 68	\$47 00	\$106 75	\$1,883 35

TABLE FIRST—Continued.

Pay Roll for the Year ending November 30th, 1862.

Months.	Amount.
December.....	\$1,716 71
January.....	1,837 37
February.....	1,759 80
March.....	1,761 54
April.....	1,742 68
May.....	1,775 82
June.....	1,938 65
July.....	1,779 67
August.....	1,848 71
September.....	1,790 00
October.....	1,790 00
November.....	1,790 00
Total.....	\$21,530 93

RECAPITULATION.

Showing the Cost of Articles Consumed in the State Insane Asylum, including Fuel Account and Pay Roll, for the Year ending November 30th, 1862.

Months.	Amount.
December.....	\$5,333 87
January.....	5,072 43
February.....	4,974 53
March.....	5,797 43
April.....	5,904 62
May.....	6,060 47
June.....	5,055 85
July.....	5,057 53
August.....	5,026 90
September.....	4,918 79
October.....	5,176 49
November.....	6,253 16
Total.....	\$64,632 07

TABLE THIRD.

MONTHS.	RESIDENT PHYSICIAN.				ASSISTANT PHYSICIAN		
	Pay Roll.....	Steward's Account.....	Fuel.....	Total	Steward's Account.....	Fuel.....	Total
December	\$95 00	\$117 93	\$22 40	\$235 33	.....	.....	.....
January.....	95 00	153 45	26 88	275 33	.....	.....	.....
February.....	95 00	175 43	22 40	292 83	.....	.....	.....
March.....	95 00	119 99	13 50	228 49	.....	.....	.....
April.....	81 51	158 33	19 50	259 34	\$58 39	\$2 44	\$60 83
May.....	85 00	102 57	10 00	196 57	65 93	.....	65 93
June.....	85 00	82 99	10 41	178 40	63 86	6 73	70 59
July.....	85 00	123 99	5 51	214 50	76 43	3 06	79 49
August.....	75 00	132 44	8 57	216 01	66 08	5 51	71 59
September.....	75 00	87 19	10 41	172 60	60 31	4 29	64 60
October.....	75 00	132 76	12 87	220 63	69 83	9 18	79 01
November.....	75 00	87 68	18 37	181 05	92 50	15 92	108 42
Totals.....	\$1,016 51	\$1,473 75	\$180 82	\$2,671 08	\$553 33	\$47 13	\$600 46

TABLE FOURTH.

MONTHS.	IMPROVEMENTS.					REPAIRS.				Extraordinary Expense...	GRAND TOTALS.....
	Pay Roll.....	Lumber.....	Painting	Miscellaneous.....	Total.....	Pay Roll.....	Lumber.....	Miscellaneous.....	Total.....		
December.....	\$366 41	\$112 46	\$24 75	\$303 62	\$1,007 24	\$67 80	.....	\$16 89	\$84 69	\$60 25	\$1,152 18
January.....	.....	547 86	90 24	99 95	738 05	50 00	.....	28 75	78 75	42 07	838 87
February .....	.....	.....	111 03	379 00	490 03	175 00	.....	59 80	234 86	11 41	736 30
March	112 03	753 43	119 80	318 43	1,333 69	40 37	.....	27 62	67 99	616 19	2,047 87
April.....	94 12	200 79	169 04	114 27	578 22	75 88	\$3 00	5 01	83 89	.....	662 11
May.....	192 07	375 49	108 89	179 61	856 06	58 19	.....	40 67	98 86	.....	954 92
June.....	325 82	399 36	51 09	133 73	910 00	9 18	16 00	13 75	38 93	.....	948 93
July.....	137 46	938 17	44 38	176 70	1,316 71	17 54	.....	5 75	23 29	600 00	1,940 00
August.....	157 85	287 70	45 97	417 44	908 96	17 15	.....	39 32	56 47	.....	965 43
September.....	170 83	487 74	3 00	165 28	826 85	4 17	.....	.....	4 17	.....	831 02
October.....	156 45	204 27	9 75	239 71	610 18	18 55	.....	4 00	22 55	.....	632 73
November.....	169 58	554 50	78 85	740 33	1,543 26	5 42	.....	41 47	46 89	.....	1,590 15
Totals.....	\$1,902 62	\$4,861 77	\$856 79	\$3,498 07	\$11,119 25	\$539 25	\$19 00	\$283 09	\$841 34	\$1,359 92	\$33,320 51

T A B L E S I X T H .
Farm, Garden, and Dairy.

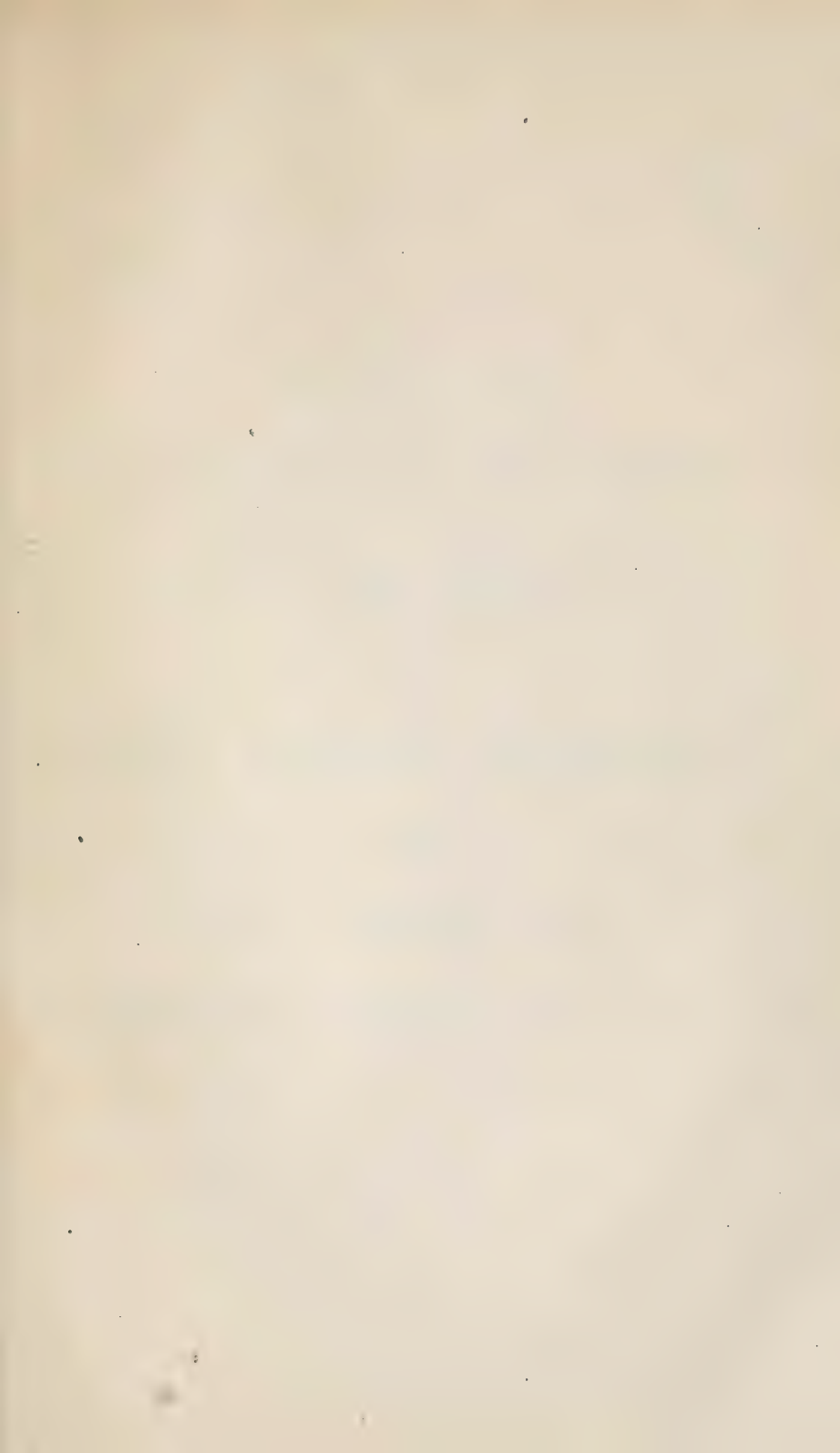
MONTHS.	Value of Products.....														Totals
	December	January	February	March	April	May	June	July	August	September	October	November .....	.....	.....
Expense.....	\$57 98	53 18	34 85	236 99	433 66	205 62	213 89	333 46	462 77	356 63	238 16	355 29	\$3,242 48	8,201	14,489
Number of Days' Labor by Patients..	96	121	140	668	740	963	1,008	1,039	968	986	830	742	14,489	8,201	14,489
Number pounds of Cabbage	1,060	829	827	530	133	162	148	872	1,132	1,741	2,896	4,139	10,956	2,944	2,944
Number pounds of Tomatoes .....	.....	.....	.....	.....	.....	.....	.....	882	3,080	2,638	2,822	1,534	10,956	2,944	2,944
Number of Melons .....	.....	.....	.....	.....	.....	.....	.....	10	956	1,087	891	.....	2,944	2,944	2,944
Number pounds of Beets	183	135	144	849	.....	.....	.....	79	136	151	160	233	2,281	2,281	2,281
Number pounds of Carrots .....	.....	.....	.....	.....	.....	.....	105	56	289	137	174	219	1,174	1,174	1,174
Number pounds of Squashes.....	.....	.....	.....	.....	.....	.....	.....	14	35	156	304	1,366	1,875	1,875	1,875
Number pounds Green Peas and Beans	.....	.....	.....	.....	16	318	298	53	6	161	416	356	786	786	786
Number pounds of other Vegetables..	293	.....	.....	.....	.....	115	34	37	141	2	356	345	1,757	1,757	1,757
Number dozens of other Vegetables	.....	.....	.....	.....	.....	.....	.....	2	170	146	38	5	380	380	380
Number bunches of other Vegetables	24	58	168	218	159	208	.....	1	82	4,599	1,239	44	894	894	894
Number pounds of Peaches.....	.....	.....	.....	.....	.....	.....	.....	.....	408	157	1,104	.....	5,920	5,920	5,920
Number pounds of other Fruits.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,653	2,653	2,653
Number gallons of Milk from Dairy..	190	84	154	218	244	721	760	692	641	673	604	615	5,441	5,441	5,441
Number pounds of Meat and Lard...	.....	3,524	560	1,190	75	.....	.....	.....	.....	.....	.....	964	7,023	7,023	7,023
Number cords of Wood .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	75	75	75
Value of Products.....	\$92 09	388 71	138 88	728 91	88 03	280 01	274 39	420 55	590 12	530 13	495 70	341 32	\$4,338 84	\$4,338 84	\$4,338 84

TABLE SEVENTH,

Averages.

MONTHS.	Average number of Patients on hand Daily.....	Average Daily Expenses....	Average cost per capita per Day	Average cost per capita per Month	Average cost per capita per Year	Cost per Month per Patient for Clothing.....	Cost per Patient for Boots and Shoes.....
December.....	419	\$188 16	\$ 45	\$13 92	.....	\$ 77	\$ 22
January.....	421	180 10	43	13 26	.....	60	41
February.....	423	204 93	48	13 57	.....	60	27
March.....	427	201 83	47	14 65	.....	47	23
April.....	437	216 54	49	14 87	.....	38	20
May.....	449	213 45	48	14 74	.....	68	31
June.....	457	183 35	40	12 03	.....	37	19
July.....	465	178 60	38	11 91	.....	51	16
August.....	483	178 18	37	11 44	.....	41	24
September.....	495	177 78	36	10 77	.....	47	21
October.....	501	182 66	36	11 30	.....	65	19
November.....	507	226 53	45	13 40	.....	41	32
Averages.....	457	\$194 34	\$ 43	\$12 98	\$155 09	\$ 61	\$ 25







ANNUAL REPORT

OF THE

STATE PRISON DIRECTORS,

FOR

THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

OFFICE OF THE BOARD OF STATE PRISON DIRECTORS, }
February 2d, 1863. }

To the Honorable the Legislature of the State of California:

The undersigned respectfully present to your honorable body, in compliance with the ninth section of the Act of April twenty-fourth, eighteen hundred and fifty-eight, a report of their management of the State Prison from the eighteenth day of January to the thirty-first day of December, eighteen hundred and sixty-two, in connection with which will be found a full detail of its financial condition at the latter date.

LELAND STANFORD,
J. F. CHELLIS,
WM. H. WEEKS,
State Prison Directors.

R E P O R T .

It will be seen from the schedules which follow, that the Directors have not received a dollar from the State Treasury during the year ending December thirty-first, eighteen hundred and sixty-two, to meet the expenditures of that year.

Two audited accounts, of five thousand dollars (\$5,000) each, for the support of the Prison during the months of November and December, eighteen hundred and sixty-one, were paid in December, eighteen hundred and sixty-two, and applied to liquidate the outstanding indebtedness of the Prison when the present Board of Directors assumed the management of its affairs.

Upon taking possession of the Prison, on the eighteenth of January, the present Board of Directors found it without even a day's supply of necessary provisions, and the buildings and workshops, both inside and outside the yard, were in a leaky and dilapidated condition that rendered them almost uninhabitable. It became their first duty, therefore, to remedy these defects, and, as far as possible, to make improvements that would render the condition of the convicts as comfortable as the circumstances of the case would admit. These imperative changes induced a large expenditure in addition to the regular expenses of the establishment, and this amount was greatly augmented by the uncertain credit which the Directors were obliged to ask from those of whom they purchased supplies, a liberal percentage being always added to the price of goods, to meet the certain contingency of a deferred payment. The unerring judgment of the creditors of the State is fully proved by the humiliating fact that bills purchased as early as January, eighteen hundred and sixty-two, have not yet been paid.

Laboring under such disadvantages as the preceding statements indicate, it is a matter of pride to the undersigned that they are able to present to the Legislature so favorable a report of their labors during the year, and of the condition of the Prison and its inmates at its close. The actual cost to the State for maintaining the Prison from January eighteenth to December thirty-first, eighteen hundred and sixty-two, over and above the necessary expenditure for improvements, was but twenty-five thousand one hundred and fifty-three dollars and seventy-nine cents, (\$25,153 79,) equal per month to two thousand and sixty-seven dollars and thirty cents (\$2,067 30.) See Schedule D.

It has been feared that the practice of turning out prisoners by the hundreds, to work on brick contracts, and other outside labor, would result in a serious outbreak, deliberately planned and perfected by those who were thus daily permitted to leave the yard. These fears were realized in July of last year by an *emeute*, which at one time threatened serious consequences, but which in a few hours was controlled. A large number of convicts made their escape from the yard, but most of them were recaptured, and returned to their quarters inside the walls. Even with this outbreak, the whole number of convicts escaped, and not recaptured, during the year, is but fifteen.

The events of July, however, lead to the conclusion that the employment of prisoners outside the walls is attended with more or less danger; yet the difficulty of working them to advantage inside, may again render it necessary so to employ them. That the convicts should, if possible, be at all times employed, the experience of past years in this and kindred institutions of other States leaves no room for doubt.

The able report of the Visiting Physician to the Prison is submitted herewith, and will be found to contain a full detail of its hygienic statistics for the year.

Schedule A—Shows the liabilities of the Prison on the thirty-first of December, eighteen hundred and sixty-two.

Schedule B—Shows the assets of the Prison on the thirty-first of December, eighteen hundred and sixty-two.

Schedule C—Shows a detail of Prison improvements for the year eighteen hundred and sixty-two.

Schedule D—Shows a financial recapitulation for the year eighteen hundred and sixty-two.

Schedule E—Shows the cash receipts and disbursements for the year eighteen hundred and sixty-two.

Schedules F and G—Show the issues of leading articles necessary for the maintenance of the Prison during the year eighteen hundred and sixty-two.

The tables, from one to eleven, inclusive, give a full detail of the number of convicts, the crimes for which they are imprisoned, their ages, terms of sentence, nationality, educational abilities, etc.

LELAND STANFORD,
J. F. CHELLIS,
WM. H. WEEKS,
State Prison Directors.

SCHEDULES AND TABLES.

[A]

LIABILITIES OF PRISON, DECEMBER 31st, 1862.

To whom Due.	Amounts.
<i>Due in San Francisco.</i>	
Kierulf & Johnson ..	\$787 50
M. M. Cook.....	102 37
Roundtree Bros.....	333 74
Barton Bros.....	60 25
John Gordon.....	169 72
A. H. Titcomb.....	152 93
D. E. Appleton.....	14 75
Hazletine & Co.....	1,504 96
Moses Ellis & Co.....	1,832 44
J. L. Sanford.....	12 35
B. G. St. John.....	906 59
James Vantine & Co.....	501 28
Goldstein, Ryan & Co.....	27 50
Redington & Co.....	97 25
Bray Brothers	326 30
Horace Davis & Co.....	1,778 00
George F. Sylvester.....	22 38
Stanford Bros.....	732 52
Wm. H. Keith & Co.....	171 13
Ryan & Co....	5,340 94
Charles Hare.....	210 00
Main & Winchester.....	204 07
Cox, Wilcutt & Co.....	810 18
Badger & Lindenberger.....	123 50
Everding & Co.....	80 38
Frank Baker.....	173 93
Kennedy & Hopkins.....	1,548 96
Dickenson & Gammans.....	835 68
J. Y. Hallock & Co.....	10 12
Bachelor & Holland.....	572 92
Rockwell, Coye & Co.....	5,407 47
N. Pierce.....	186 25
J. Seligman & Co.....	253 75
Thomas Day.....	76 45
Miners' Foundry.....	69 30
San Francisco Gas Company.....	42 00
	<hr/> 25,479 86
Carried forward.....	\$25,479 86

SCHEDULE A—Continued.

To whom Due.	Amounts.
Amount brought forward.....	\$25,479 86
C. M. Baxter, merchandise.....	426 30
Hall & Nichols, merchandise.....	91 50
Oliver Irwin, merchandise.....	104 66
A. Thompson, merchandise.....	43 50
J. D. Bullis, merchandise.....	57 75
James Ross, wood.....	69 50
Sweetzer & Delong, wood.....	1,141 29
M. Tierney, wood.....	325 28
William Hanson, wood.....	100 00
San Rafael Stage Company.....	67 50
P. K. Austin, beef.....	1,728 18
William Miller, (scrip,) beef.....	5,125 31
Brevino Brothers, (scrip,) merchandise.....	396 87
<i>Due to Officers and Guards.</i>	
William P. Jones.....	\$514 92
J. R. Megarigle....	585 45
Dr. J. D. B. Stillman.....	400 00
Con Murphy.....	782 80
Edward Vanderlip.....	110 46
Martin Winslow.....	487 50
N. A. Robinson.....	93 62
Dr. Taliafero.....	31 33
John Jones.....	95 64
John Spell.....	50 00
M. M. McLean.....	4 00
W. P. McLaughlin.....	88 25
John Gray.....	40 00
H. T. Blanchard.....	58 33
S. M. Royce.....	50 00
Lewis Wilson.....	40 00
John Sullivan.....	114 50
David Fuin.....	260 00
Conrad Albert.....	30 00
W. H. Evans.....	55 00
John Turner.....	37 00
Jerome Story.....	50 00
Samuel A. White.....	45 00
William N. Ferril.....	50 00
George E. Baldwin.....	46 66
W. C. Robinson.....	140 00
Lott Smith.....	50 00
B. S. Runyon.....	93 34
Scrip issued to Officers and Guards.....	17,586 09
	21,939 89
Carried forward.....	\$57,097 39

SCHEDULE A—Continued.

To whom Due.	Amounts.
Amount brought forward.....	\$57,097 39
Steamer Petaluma, freight.....	295 75
Captain Davis, freight.....	38 20
Scrip issued for bill of beans.....	992 08
Scrip issued for payment of rewards.....	450 00
Balance of appropriation, 1861.....	615 00
	\$59,488 42

[B]

ASSETS OF PRISON, DECEMBER 31st, 1862.

Assets.	Totals.
Due from A. Englander, contractor.....	\$1,071 25
Due from D. McClennan, contractor.....	441 00
Due from T. Ogg Shaw, contractor... ..	6,318 68
Due from James Dows, contractor.....	1,158 50
Due from Ross & Quinn, contractors.....	1,064 54
Due from H. H. Kelly, contractor.....	33 12
Due from W. D. Mason, for labor.....	529 14
Due from C. C. Bennet, for labor.....	85 75
Due from sundry accounts	838 75
Due from United States.....	531 00
Cash on hand.....	658 69
Gain in value of live stock from January 18th to December 31st, 1862.....	1,900 00
Gain in value of personal property, including wagons, dray, truck, etc., from January 18th to December 31st, 1862...	1,250 00
Stock of provisions, wood, hay, straw, etc., in Commissary Department.....	5,331 46
Total.....	\$21,211 88

[C]

PRISON IMPROVEMENTS, JANUARY 18th TO DECEMBER
31st, 1862.

Nature of Improvement.	Cost.
Cost of upper and lower gates.....	\$1,100 00
Roofing Prison buildings, say 1,000 squares @ \$2 30.....	2,300 00
Building barn, stables, and slaughter house.....	2,000 00
Building outside Sentinel posts and cannon stands.....	800 00
Excavating and removing banks, and building wall outside of Prison.....	500 00
Repairs on Commissary building, and fitting up store.....	1,800 00
Improvements on laundry building and kitchens, with new range, kettles, arches, etc.....	1,122 75
Repairing and furnishing the quarters of officers and guards.....	800 00.
Inclosing and grading Prison gardens and grounds.....	500 00
Building guard house at lower gate.....	1,200 00
Fitting and repairing shops, laying floors, and partitions..	1,000 00
Total.....	\$13,122 75

[D]

RECAPITULATION, DECEMBER 31st, 1862.

Liabilities and Assets.	Amounts.
Total liabilities of Prison contracted between January 18th and December 31st, 1862, and outstanding at the latter date, per schedule A.	\$59,488 42
Increased assets from January 18th, to December 31st, 1862, per schedule B, viz:	
Stock of Commissary.....	\$5,331 46
Gain in value of live stock.....	1,900 00
Gain in personal property.....	1,250 00
Total	\$8,481 46
Due from Contractors.....	\$10,087 09
Due for labor.....	614 89
Due on sundry accounts.....	838 75
Due from United States	531 00
Cash on hand.....	658 69
	21,211 88
	\$38,276 54
Expended on Prison improvements from January 18th, to December 31st, 1862, per schedule C.....	13,122 75
Actual cost of maintaining Prison from January 18th, to December 31st.....	\$25,153 79

[E]

CASH RECEIPTS IN 1862.

Month.	Received.	Amount.
Feb.....	For convict labor \$1,750 68	
...	For sales from store..... 15 00	
		\$1,765 68
March..	For convict labor.....	971 35
April...	On borrow and loan account..... \$20 00	
...	For convict labor..... 1,918 90	
		1,938 90
May.....	On borrow and loan account..... \$5 00	
...	For convict labor..... 2,310 60	
		2,315 60
June ...	For convict labor.....	2,603 01
July.....	For sales from store..... \$40 00	
...	For sale of live stock..... 25 00	
...	On borrow and loan account..... 569 35	
...	For convict labor..... 2,156 15	
		2,790 50
Aug.....	For convict labor..... \$1,553 90	
...	For sale of live stock..... 45 00	
		1,598 90
Sept.....	For convict labor.....	3,187 80
Oct.....	For sale of vessel..... \$1,545 00	
...	For convict labor..... 3,101 30	
...	For sales from store..... 287 25	
		4,933 55
Nov. ...	For convict labor..... \$663 07	
...	On borrow and loan account..... 15 25	
		678 32
Dec.....	Balance of \$10,000—appropriation of 1861 \$776 76	
...	For convict labor..... 497 42	
...	On borrow and loan account..... 240 00	
...	For claim vs. United States..... 462 00	
...	For claim vs. B. Brady..... 205 80	
		2,181 98
	Total.....	\$24,965 59

SCHEDULE E—Continued.

CASH DISBURSEMENTS IN 1862.

Month.	Disbursed.	Amount.
Jan.	Incidental expenses.....	\$11 00
Feb.	On account salaries.....	\$1,254 63
...	Merchandise.....	206 10
...	Pursuit of prisoners.....	36 50
...	Incidental expenses.....	33 25
		1,530 48
March..	Merchandise, freight, etc.....	\$95 75
...	On account salaries.....	483 02
...	Rewards.....	100 00
...	Incidental expenses.....	34 50
		713 27
April ...	On account salaries.....	\$657 73
...	Merchandise.....	582 02
...	Removing Prisoners.....	41 00
...	Incidental expenses.....	34 50
		1,315 25
May.	On account salaries.....	\$502 40
...	Merchandise.....	1,226 24
...	Discharged prisoners.....	127 50
...	Incidental expenses.....	39 50
		1,895 64
June ...	On account salaries.....	\$1,401 83
...	Rewards.....	67 00
...	Discharged prisoners.....	22 00
...	Merchandise.....	2,059 10
...	Incidental expenses.....	41 25
		3,591 18
July....	Borrow and loan account.....	\$416 00
...	Recapture of prisoners.....	322 25
...	On account salaries.....	840 99
...	Merchandise.....	1,748 98
		3,328 22
August	On account salaries.....	\$378 33
...	Merchandise.....	1,015 10
...	Borrow and loan account.....	120 00
...	Incidental expenses.....	82 00
		1,595 43
Sept....	On account salaries.....	\$639 35
...	Merchandise.....	2,312 52
...	Pursuit of prisoners.....	10 00
...	Incidental expenses.....	78 00
...	Borrow and loan account.....	38 00
		3,077 87
	Carried forward.....	\$17,058 34

SCHEDULE E—Continued.

Cash Disbursements in 1862.

Month.	Disbursed.	Amount.
	Brought forward.....	\$17,058 34
Oct.	On account salaries.....	\$548 26
...	Merchandise.....	3,964 80
...	Pursuit of prisoners.....	33 00
...	Incidental expenses.....	37 71
...	Borrow and loan account.....	80 00
...	Discharged prisoners.....	75 00
		4,738 77
Nov. ...	On account salaries.....	\$278 37
...	Borrow and loan account.....	86 00
...	Merchandise.....	448 59
...	Discharged prisoners.....	12 00
...	Freight.....	15 25
...	Removing prisoners to Insane Asylum....	40 00
...	Incidental expenses.....	47 00
		927 21
Dec.....	On account salaries.....	\$126 25
...	Merchandise.....	705 21
...	Freight.....	73 37
...	Incidental expenses.....	129 13
...	Borrow and loan account.....	70 00
...	Extra labor.....	63 50
...	Wood.....	50 00
...	Discharged prisoners.....	12 50
...	Claims of 1861 not on schedule, but properly certified by ex-Warden Pennie.....	352 56
		1,582 58
	Cash on hand December 31st.....	658 69
	Total.....	\$24,965 59

[F]

PROVISIONS ISSUED FROM JAN. 18th TO DEC. 31st, 1862.

Articles Issued.	Daily Issues,		Total Issues,	
	Pounds	Oz.	Pounds	Oz.
Beef and other meats.....	596	5	206,911	0
Flour and meal.....	687	6	238,514	0
Beans.....	223	2	77,420	0
Potatoes	344	13	119,653	0
Salt.....	73	10	25,546	0
Coffee.....	10	14	3,739	0
Sugar.....	20	5	7,050	0
Rice.....	4	0	1,400	0
Tea.....	1	4	426	8
Pepper.....	1	10	559	0
Butter	8	12	3,026	0
Fish.....	28	13	9,986	0
Hominy, sago, etc.....	1	4	428	0
Dried fruits.....	1	2	397	0
Totals.....	2,003	4	695,055	8

[G]

SHOES, CLOTHING, BEDDING, Etc., ISSUED FROM JANUARY
18th TO DECEMBER 31st, 1862.

Articles.	Number.
Total of shoes issued, pairs.....	1,114
Average monthly issue.....	97 1-2
Total of shoes repaired, pairs.....	767
Average monthly issue	67 1-4
Total of shirts issued.....	781
Average monthly issue.....	68 1-2
Total of pants issued.....	312
Average monthly issue.....	27 1-4
Total of blankets issued.....	216
Average monthly issue.....	19
Total of mattresses issued.....	105
Average monthly issue	9 1-4

TABLE FIRST.

Prison Account from 1851 to 1862.

YEARS.	Prisoners Received.....	Escapes Recaptured.....	Discharged by Expiration of Sentence.....	Pardoned.....	Restored to Citizenship.	Escaped.....	Died and Killed.....	Sent to Insane Asylum...	New Trial and Habeas Corpus.....	Total Receipts.....	Total Discharges.....
1851.....	35	.....	.....	.....	.....	1	.....	.....	.....	35	1
1852.....	105	3	12	2	.....	6	1	.....	.....	108	21
1853.....	163	2	38	9	.....	8	3	.....	.....	165	58
1854.....	211	16	102	14	.....	87	6	.....	.....	227	209
1855.....	266	25	94	29	1	28	1	.....	4	291	157
1856.....	258	29	103	18	4	65	5	.....	1	287	196
1857.....	245	32	114	28	.....	72	14	2	4	277	234
1858.....	226	33	94	27	32	23	5	3	7	259	191
1859.....	220	50	119	38	16	95	17	1	13	270	299
1860.....	295	20	145	25	1	127	7	2	7	315	314
1861.....	238	9	130	34	.....	35	8	1	4	247	212
1862.....	190	74	153	11	4	90	15	8	5	264	282

TABLE SECOND.

Classification of Crime.

Character.	Number.	Character.	Number.
Murder.....	7	Attempt to commit Arson.....	3
Murder Second Degree.....	64	Forgery.....	4
Manslaughter.....	41	Perjury.....	2
Assault with Intent to Kill.....	30	Embezzlement.....	1
Assault with Deadly Weapon.....	14	Counterfeiting.....	8
Mayhem.....	3	Receiving Stolen Goods.....	3
Rape.....	9	Breaking Jail.....	1
Assault with Intent to Rape.....	12	Felony.....	3
Crime against Nature.....	3	Grand Larceny.....	231
Robbery.....	59	Attempt to commit Grand Larceny..	4
Assault with Intent to Rob.....	3	No charge specified.....	1
Burglary.....	63		
Attempt to commit Burglary.....	1		
Arson.....	7	Total.....	577

TABLE THIRD.

Number of Prisoners from each County.

County.	Number.	County.	Number.
Alameda.....	7	Santa Barbara.....	2
Amador.....	16	San Bernardino.....	23
Butte.....	11	Santa Clara.....	14
Calaveras.....	28	Santa Cruz.....	5
Colusa.....	6	San Diego.....	2
Contra Costa.....	2	San Francisco.....	112
Del Norte.....	3	San Luis Obispo.....	4
El Dorado.....	30	San Mateo.....	4
Fresno.....	1	San Joaquin.....	9
Humboldt.....	2	Shasta.....	5
Klamath.....	1	Sierra.....	13
Los Angeles.....	46	Siskiyou.....	12
Lake.....	.....	Solano.....	9
Marin.....	5	Sonoma.....	9
Mariposa.....	20	Stanislaus.....	2
Mendocino.....	1	Sutter.....	.....
Merced.....	2	Tehama.....	3
Mono.....	.....	Trinity.....	3
Monterey.....	3	Tulare.....	1
Napa.....	9	Tuolumne.....	30
Nevada.....	14	Yolo.....	6
Placer.....	22	Yuba.....	20
Plumas.....	7		
Sacramento.....	53	Total.....	577

TABLE FOURTH.

Term of Imprisonment.

Duration of Sentence.	Number.	Duration of Sentence.	Number.
Life.....	12	Five years.....	108
Twenty years and upwards.....	18	Four years.....	45
Fifteen to twenty years.....	20	Three years.....	94
Ten to fifteen years.....	97	Two years.....	67
Seven to ten years.....	48	One year.....	43
Five to seven years.....	24	Less than one year.....	1
		Total.....	577

TABLE FIFTH.

Ages of Prisoners.

Age.	Number.	Age.	Number.
Twenty years and less.....	43	Thirty-five to forty years.....	66
Twenty to twenty-five years.....	153	Forty to fifty years.....	52
Twenty-five to thirty years.....	128	Fifty years and upwards.....	12
Thirty to thirty-five years.....	123	Total.....	577

TABLE SIXTH—*Nativity of Prisoners.*

UNITED STATES.

State.	Number.	State.	Number.
Alabama	2	New Hampshire.....	1
Arkansas	2	New Jersey.....	3
Connecticut	1	New York	45
District of Columbia.....	2	North Carolina.....	4
Illinois	12	Ohio	16
Indiana	2	Pennsylvania.....	25
Kentucky	23	Rhode Island.....	2
Louisiana.....	6	South Carolina.....	1
Maine.....	8	Tennessee.....	9
Maryland.....	8	Texas	1
Massachusetts.....	16	Vermont.....	6
Michigan	2	Virginia	16
Mississippi.....	2	Wisconsin	1
Missouri.....	19	Total.....	235

FOREIGN.

Country.	Number.	Country.	Number.
England.....	30	Manilla.....	3
Scotland.....	6	China	47
Wales	1	Austria	3
Ireland.....	63	Australia	2
British America.....	5	Prussia.....	9
France	8	Russia	1
Sweden	3	Polynesia.....	1
Germany.....	20	Peru.....	1
Belgium.....	1	Ecuador.....	2
Poland	1	Isle of Wight	1
Italy.....	4	Malta	1
Spain	1	Denmark	1
Portugal	3	Norway	1
Mexico	48	Isle of France.....	1
California.....	56	Natives of U. S., brought forward...	235
Chile.....	12	Total	577
Brazil.....	3		
West Indies.....	3		

TABLE SEVENTH.

Occupation when Sentenced.

Occupation.	Number.	Occupation.	Number.
Artist	1	Musician.....	1
Blacksmiths.....	12	Miller.....	1
Bakers.....	6	Printers.....	2
Butchers.....	4	Physicians.....	3
Barkcepers.....	4	Plasterer.....	1
Brickmasons.....	2	Painters.....	1
Boilermaker.....	1	Ropemaker.....	7
Cooks.....	30	Shoemakers.....	9
Cabinetmaker.....	1	Seamen.....	34
Cigarmakers.....	5	Stonecutter.....	1
Carpenters.....	13	Silversmiths.....	2
Chandler.....	1	Slater.....	1
Clerks.....	10	Seamstresses.....	2
Coopers.....	2	Saddlers.....	2
Confectioners.....	1	Tailors.....	10
Druggist.....	1	Tinner.....	1
Farmers.....	18	Teacher.....	1
Gilder.....	1	Upholsterer.....	1
Glass Blower.....	1	Vaqueros.....	10
Laborers.....	316	Waiters.....	5
Lawyer.....	1	Wood Turners.....	2
Moulders.....	3	Washmen.....	14
Miners.....	17	Wheelwrights.....	3
Machinists.....	4	Weaver.....	1
Merchants.....	6	Wigmaker.....	1
		Total.....	577

TABLE EIGHTH.

Number of Prisoners at Various Periods during the year 1862.

Time.	Number.	Time.	Number.
January 1, 1862.....	589	July 1, 1862.....	601
February 1, 1862.....	577	August 1, 1862.....	564
March 1, 1862.....	575	September 1, 1862.....	565
April 1, 1862.....	584	October 1, 1862.....	583
May 1, 1862.....	575	November 1, 1862.....	570
June 1, 1862.....	589	December 1, 1862.....	575
		December 31, 1862.....	577

TABLE NINTH.

Prisoners Escaped and Recaptured in 1862.

Escaped.	Number.	Recaptured.	Number.
January.....		January.....	3
February.....	2	February.....	1
March.....		March.....	1
April.....		April.....	
May.....		May.....	
June.....	2	June.....	3
July.....	84	July.....	61
August.....		August.....	1
September.....	1	September.....	
October.....	1	October.....	2
November.....		November.....	2
December.....		December.....	
Total Escapes.....	90	Total Recaptures*	74

* One escapee returned since making report. Loss by escapes during the year, fifteen.

TABLE TENTH.

Educational Abilities of Prisoners.

NATIVITY.	Read.....	Write.....	Both.....	Neither.....
United States.....	205	198	198	30
England.....	21	17	17	9
Scotland.....	5	5	5	1
Wales.....	1	1	1	.....
Ireland.....	41	28	28	22
British America.....	3	3	3	2
France.....	8	8	8	.....
Sweden.....	3	3	3	.....
Germany.....	17	15	15	3
Belgium.....	1	1	1	.....
Poland.....	.....	.....	.....	1
Italy.....	4	3	3	.....
Spain.....	1	1	1	.....
Portugal.....	2	2	2	1
Mexico.....	17	12	12	31
California.....	14	11	11	42
Chile.....	4	3	3	8
Brazil.....	2	1	1	1
West Indies.....	2	1	1	1
Manilla.....	1	1	1	2
China.....	21	19	19	26
Austria.....	2	2	2	1
Australia.....	2	2	2	.....
Prussia.....	9	7	7	.....
Russia.....	1	1	1	.....
Polynesia.....	.....	.....	.....	1
Peru.....	.....	.....	.....	1
Ecuador.....	2	1	1	.....
Isle of Wight.....	1	1	1	.....
Malta.....	1	1	1	.....
Denmark.....	1	1	1	.....
Norway.....	1	.....	.....	.....
Isle of France.....	1	1	1	.....

RECAPITULATION.

NATIVITY.	Total Read...	Total Write...	Total Both...	Total Neither
United States.....	205	198	198	30
Foreign.....	175	141	141	111
Native Californians.....	14	11	11	42
Totals.....	394	350	350	183

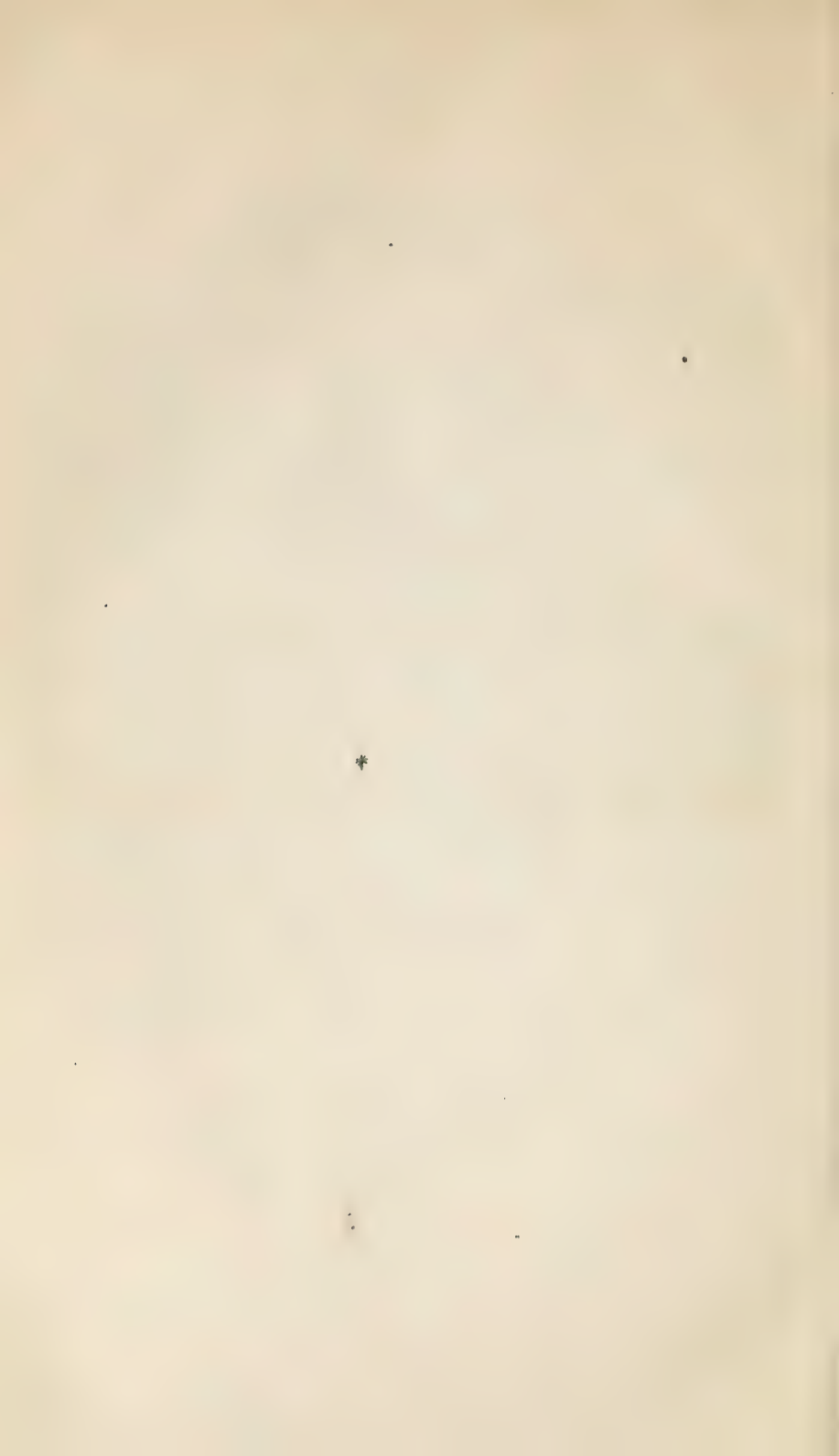
Total Number of Prisoners.577

TABLE ELEVENTH.

Recapitulation for 1862.

MONTHS.	New Prisoners received.....	Taken to the Insane Asylum.....	Escapes Recaptured.....	Escapes Returned on new Charges.	Discharged by Expiration of Sentence.....	Pardoned.....	Restored to Citizenship.....	Escaped.....	Died or Killed.....	Discharged by Writs and New Trial.....	Returned from Insane Asylum....	Total Discharges.....	Total Receipts.....
January.....	4	.....	3	.....	13	*6	*3	.....	.....	.....	.....	19	7
February.....	13	.....	1	.....	14	.....	.....	2	.....	.....	.....	16	14
March.....	19	.....	1	.....	11	1	.....	.....	.....	2	.....	14	20
April.....	15	2	.....	.....	19	1	.....	.....	.....	.....	.....	22	15
May.....	24	.....	.....	2	9	.....	.....	.....	1	.....	.....	10	24
June.....	21	.....	3	1	10	.....	.....	2	1	.....	1	13	25
July.....	12	3	61	.....	15	.....	.....	84	8	1	.....	111	73
August.....	12	.....	1	.....	8	.....	.....	.....	1	1	.....	10	13
September.....	11	.....	.....	.....	7	.....	.....	1	1	.....	.....	9	11
October.....	34	.....	2	.....	30	.....	.....	1	2	1	.....	34	36
November.....	15	3	2	1	12	2	1	.....	1	.....	4	18	21
December.....	10	.....	.....	1	5	1	.....	.....	.....	.....	.....	6	10
Totals.....	190	8	74	5	153	11	4	90	15	5	5	282	269

* Pardoned by Governor Downey.



REPORT
OF THE
RESIDENT PHYSICIAN.

REPORT.

To the Honorable Board of Directors of the California State Prison :

GENTLEMEN:—Appointed by you to the supervision of the Medical Department of the Prison about the middle of February last, and finding no medical record of the previous portion of the year, my present report can cover but ten and a half months. At the time I entered upon my duties the small pox was prevailing as an epidemic throughout the State. Under instructions from the Resident Director, I vaccinated all those prisoners who could not show satisfactory evidence that they had suffered from small pox. The whole number vaccinated was five hundred and three, of which number sixty-nine were vaccinated for the first time; eighty were pitted with small pox, and were not vaccinated. In consequence of this precaution, the disease did not enter the Prison walls, though it was prevalent about them.

The *emeute* in July devolved an unusual amount of labor upon me for a few weeks. A special messenger reached me at San Francisco on the same afternoon of the affair. I immediately telegraphed to the Governor at Sacramento, and caused the Chief of Police to be informed of the facts, and started for the Prison in a small boat, accompanied by Dr. S. M. Mouser, whom I called to my assistance. The wounded numbered thirty-two, all by gun shots; of these, two (Sterrit, shot through the stomach, and Apaulacio, shot through the brain) died the day after. Brewer was shot through the thighs with a Minié ball, which fractured the head of the right femur on its passage out, and proved fatal on the ninth week. Bieta, a California Indian, received a shot nearly in the same region, the ball traversing the perineum in its passage from side to side. He recovered from his wounds, but died in November of tubercular disease consequent upon his injuries. Rodrigues was shot through the lungs with a pistol ball, but is entirely recovered. Blonnel, wounded through the shoulder, had also a buckshot enter the mastoid process of the temporal bone and pass out at the mouth, carrying away portions of the two upper middle incisors. Farrow was shot through the neck from behind, the ball passing out between the trachea and the sterno-mastoid muscle. Both these cases recovered, contrary to my expectations. Twelve were wounded in the lower extremities. One of these, Keller, had his thigh fractured at its middle part by a ball passing entirely

through. The chances for saving the man's life were small in any attempt to save his limb, but after mature deliberation upon all the circumstances, he concluded to share the fate of his leg. I respected his determination, and saved his leg, though much shortened.

Eight were wounded in the upper extremity; of these, two were shot through the elbow joint, one so badly shattered that it was deemed best to amputate the arm; the other we reserved, intending, should we fail to prevent suppurative inflammation in the joint, to resort to resection, but through the faithful care of Mr. Russel, the Hospital Steward, and the good hygienic influences of the Prison, he has a good joint, and has resumed his trade as a blacksmith. The others were wounded in various parts of the trunk, but all have recovered. The only fatal cases were those already mentioned.* For these favorable results, I am indebted much to the valuable assistance of Dr. Mouser, and the fidelity of the Steward, but more than all to the excellent regimen, and the healthful location of the Prison. Situated, as it is, at the extremity of a high peninsula, which forms the dividing ridge between the Corte Madeira and San Rafael creeks, almost surrounded by tide water and salt marshes, and swept by the breezes from the spruce covered sides of Tamel Pais and the Pacific through all the dry or summer season of the year, one will not be surprised to learn that there has not been a single case of epidemic, contagious, or endemic disease, during the year. In comparing the sanitary reports with those of eastern Prisons, it must not be forgotten that the necessities of the climate here do not interfere with free ventilation. At no time of the year do the prisoners have air artificially heated in their dormitories, or is the free air shut out. It could scarcely be expected that men, collected from all parts of the State, and many of them for a long time sufferers from malarial diseases before committed to San Quentin, should be exempt altogether from intermittent fevers. They comprise a considerable number of our sick list, but they have been slight, and in no case lasting beyond the second and third day. Of typhus, typhoid, and remittent fevers, there has been none—no pleurisy, pneumonia, and but one case of bronchitis.

It will be observed that disorders of the digestive and assimilative functions are by far the most numerous, and, in fact, they comprise, including those remotely dependent upon these, nearly all the diseases to which the prisoners have been subject, and they seem to be inseparable from a life of confinement, with full diet. Of course, I place tuberculous diseases in this class. Phthisis here, as in all Prisons, carries off the greatest number of those who die from natural causes. The Indian race suffers peculiarly from this cause, as they appear to do wherever they are subject to confinement.

But one prisoner has been recommended to Executive clemency on account of ill health. That was believed to be a case of organic disease, or ulcer of the stomach. Generally speaking, the regimen of the Prison has been more favorable to health than any circumstances by which the inmates would be likely to be surrounded if at large. There has been no one pardoned whose continuance in the Prison would have been likely to have added to the mortality of the year.

The following table of deaths is complete for the entire year :

* Those killed outright, and not brought into the Hospital, I have not recorded in the Hospital books. The number of these, as taken from books of the Turnkey, is four—making a total of nine who were killed and died of their wounds, directly and indirectly, so far as is known.

TABLE OF DEATHS.

Name.	Age.	Nativity.	Race.	Cause of Death.	When Died.
Diego.....	25	California.....	Indian...	Consumption.....	May 18.....
Presentia Acuña.....	26	Chili.....	Indian...	Consumption.....	June 11.....
Juan Espinosa.....	26	California.....	Indian...	Consumption.....	July 5.....
George Williams	38	England.....	White...	Cirrhosis of liver.....	July 11.....
James Sterrit.....	32	Virginia.....	White...	Gun-shot wound.....	July 23.....
John Harris*.....	21	Alabama.....	White...	Gun-shot wound.....	July 22.....
Oliver Gray*.....	24	Maryland.....	White...	Gun-shot wound.....	July 22.....
James Townsend	22	East Indies ..	White...	Gun-shot wound.....	July 22.....
Robert Graham*.....	26	Pennsylvania.	White...	Gun-shot wound.....	July 25.....
José Apaulacio.....	30	Chili.....	Indian...	Gun-shot wound.....	July 23.....
William Scott.....	31	Missouri.....	White...	Chronic disease of the hip, from accidental injury.....	August.....
David Brewer.....	25	Ohio.....	White...	Gun-shot wound.....	September 19
James McAuley.....	26	Pennsylvania.	White...	Consumption.....	October 5.....
Robert Cofelt.....	42	Pennsylvania.	White...	Abscess of liver.....	October 20.....
Julien Bieta.....	18	California.....	Indian...	Tuberculous disease of abdo- men supervening upon gun- shot wound.....	November....

* Killed outright.

The pathological causes of death, classified, may be stated as follows :

Cause of Death.	Number.
Tuberculous disease.....	5
Abscess of liver.....	1
Cirrhosis of liver.....	1
Wounds.....	8
Total.....	15

The average number of the prisoners being five hundred and eighty-five, the per centage of deaths from natural causes will be one and nineteen one hundredths per annum—a rate so low that I cannot find its parallel on record.

There is no class of criminals who so deeply deserve our commiseration as the insane. The discipline of a Prison is, from necessity, very unfavorable to their proper treatment. It has been stated that no insane person was ever known to recover while in the close confinement of a cell. The law has humanely furnished provision for their removal to the State Asylum for the Insane. Availing myself of its provisions, I have caused seven prisoners to be sent to the Asylum, viz :

Name.	Nativity.	Age.	Form of Insanity.	Sent to Stockton.
B. L. Morgan.....	Maine.....	30	Violent mania.....	April 8.....
J. Morh.....	Germany.....	40	Idiocy.....	April 8.....
Francis De Grey.....	Italy.....	40	Hallucination.....	July 18.....
Dennis Collins.....	Ireland.....	29	Dementia.....	July 18.....
B. L. Morgan.....	Maine.....	30	.....	Recommitted July 18
R. N. Dodge.....	New York.....	26	Hallucination.....	November 19.....
Charles Smith.....	Germany.....	23	Violent mania.....	November 19.....
William Price.....	Georgia.....	23	Dementia.....	November 19.....

Morgan was returned to the Prison much improved, but he was still disposed to be noisy at night, and was so troublesome that it was thought best to send him back to Stockton, where, after a short stay, he was returned, more rational than at any time since he was admitted.

DeGrey was an old inmate of the Insane Asylum previous to his commitment to Prison. He is quiet in general, but has to be treated with great attention to his mental disorder.

Collins is quite recovered.

Morh does not seem to be much improved by his residence at Stockton. I think he has never spoken since the present officers of the Prison have known him. An idiotic laugh is the only response to questions. Several of these men, I have no doubt, were of unsound mind when committed, and are to-day better fitted for a poor-house than a Prison.

Price, the last on the list, was under sentence of death, and his punishment was commuted to imprisonment for life, by Governor Downey, but the near approach of his execution so shattered his nervous system, that for a year past he has been as simple as a child, with nervous tremors, and, at long intervals, paroxysms of clonic convulsions, after which he would go trembling for days, constantly upon his hands and knees, about his cell floor, staring, when raised to his feet, with wild and blood-shot eyes, as if the avenging spirit was working some terrible purpose with the murderer. In his case the commutation was no mercy.

The number of maimed prisoners is about twelve, half of these were crippled before admission, and others in the various attempts to escape.

As directed by the Resident Director, I have given constant attention to the prisoners' food—inspecting its quality and quantity. It has always been ample, the quality good, and suited to the health of the convicts.

I have made an estimate of the daily average of food issued to the prisoners at the main eating room, for the entire year, and placed opposite to it the daily allowance for prisoners at hard labor for more than four months, in England, as certified to by Sir George Grey.*

* Brinton on Food, etc., page 471.

CALIFORNIA.

Description.	Quantity.
Fresh beef, ounces, (gross weight)	12
Potatoes, ounces.....	7
Bacon, ounces	2
Vegetables, ounces.....	4.5
Fish, ounces	7
Beans, ounces.....	4
Bread, ounces.....	25

ENGLAND.

Description.	Quantity.
Cooked meat, without bone, ounces.....	4
For which is substituted, every other day, soup, pints.....	1
Potatoes, ounces	16
Oatmeal gruel, or cocoa, pints.....	1
Bread, ounces.....	22

From this it will be seen that frequently repeated reports of starvation at the Prison are wholly without foundation. Besides these rations, contractors have furnished coffee, sugar, and other luxuries to their men, which includes nearly all the men engaged in hard labor.

The following table is designed to give an idea of the nature of the diseases at the prison. It is made up from the records of the Hospital. Those only have been received into the Hospital who could not, from the severity or nature of the case, be well cared for in the dormitories :

Nature of Disease.	Number.
Phthisis.....	6
Asthma.....	2
Bronchitis.....	1
Rheumatism.....	6
Disease of heart, (organic).....	1
Purpura.....	1
Disease of stomach, (organic).....	1
Dysentery	1
Diarrhœa	5
Indigestion.....	1
Tapeworm	1
Hydrops articuli.....	2
Syphatitia iritis.....	2
Paraplegia.....	1
Hemiplegia.....	1
Intermittents	3

Nature of Disease.	Number.
Debility, cause unknown	4
Epilepsy	1
Neuralgia	1
Paralysis, facial.....	1
Disease of liver.. ..	4
Gunshot wounds	32
Stricture urethra.....	2
Varicose ulcer	2
Injuries, not otherwise mentioned	4
Total	86

Besides these, there were three hundred and seventy-five complaints treated as outside patients, who were excused from labor on an average of between five and six days to each man. Many of these are from a class who were seeking every opportunity to shirk, and as there has been a surplus of laborers, I did not deem it advisable to be too severe in compelling all to work who were physically able to do so. Many were excused and then put under surveillance until it could be determined whether or not they were feigning sickness. Prisoners detected, or strongly suspected of feigning sickness, have been confined to bed on bread and water until they were ready to work.

Before concluding my report, I desire to add an earnest word of hope that the day is not distant when the Legislature will enable the Directors of the Prison to carry out the recommendation of the Governor in his late Message, and erect suitable buildings for the separate confinement of the prisoners. The present necessities of crowding the prisoners into common dormitories, cannot fail to be reprobated by all who know of it, no less on account of the moral considerations, than those which more directly concern my duties as a medical officer, and who will presume to separate the moral from the physical welfare of our fellows. But the people of this State have a vital interest in the fact that while academies and colleges are so lightly endowed for the promotion of intelligence and virtue, they have a gigantic university supported at great expense, sending forth, almost daily, graduates thoroughly educated in every crime known to the laws, and this is for no other reason than because the State has not more than half done its work. The segregation and safe keeping of the convicts has thus far received more attention than their reformation. Society must protect itself, and see to it that these men do not return amongst them tenfold more capable of mischief than before.

In conclusion, I would, through this means, return my thanks to the officers of the Prison for their unvarying kindness to me during my visits, and their hearty co-operation with me in their efforts for the physical welfare of the unfortunates committed to our charge.

Respectfully, yours,

J. D. B. STILLMAN, M. D.,
Visiting Physician.

No. 124 Montgomery Street, San Francisco.

ANNUAL REPORT

OF

THE ADJUTANT-GENERAL

OF THE STATE OF CALIFORNIA,

FOR

THE YEAR 1862.



SACRAMENTO:

BENJ. P. AVERY, STATE PRINTER.

.....
1863

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M. SCOTT, JR., AND R. H. DALY.....CLERKS.

ANNUAL REPORT.

ADJUTANT-GENERAL'S OFFICE,
Sacramento, December 16th, 1862. }

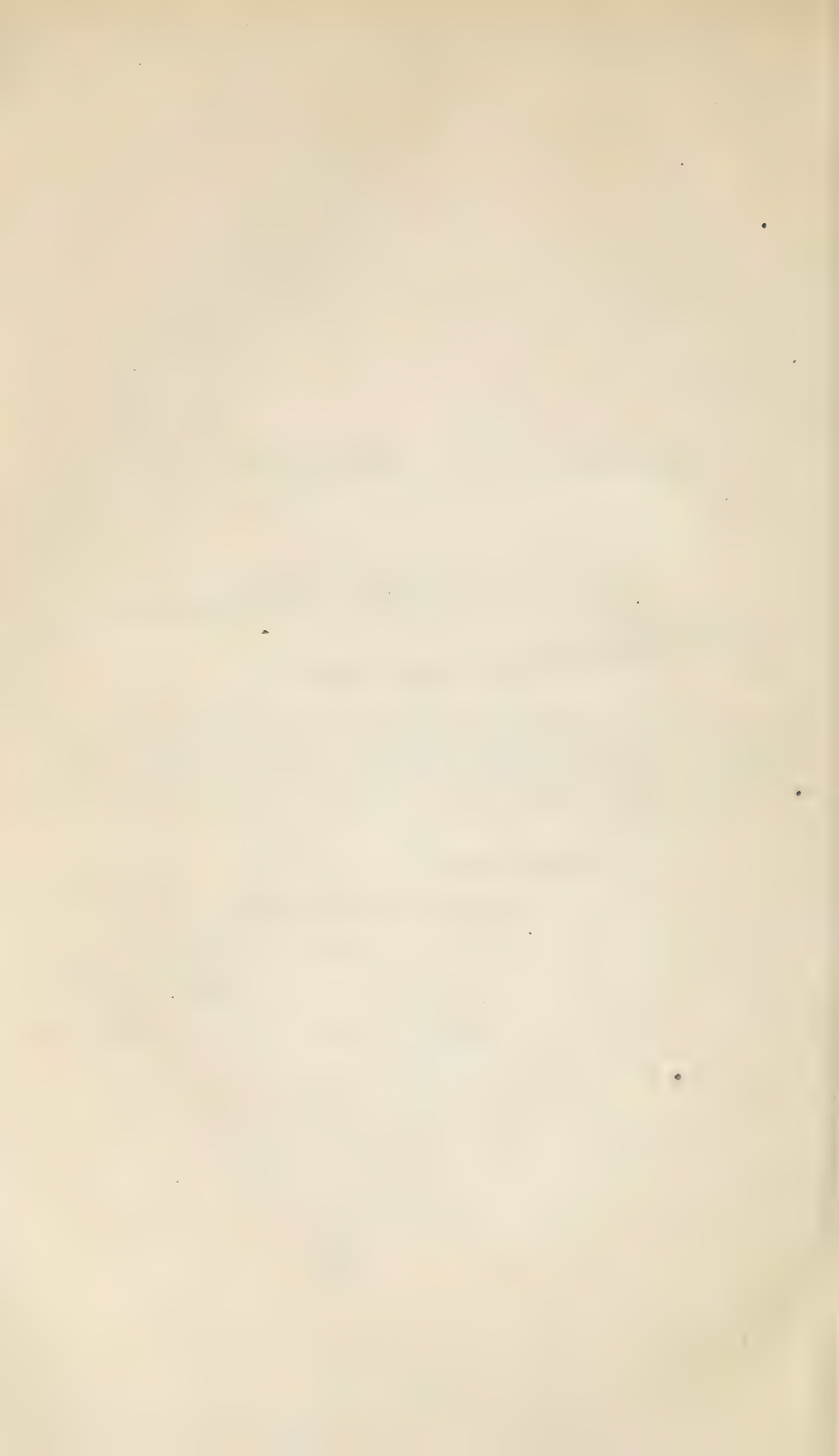
To His Excellency,
LELAND STANFORD,
Governor of California :

SIR:—I have the honor to transmit herewith the annual report of this department for the year eighteen hundred and sixty-two. Hoping that the manner in which the subjects referred to herein have been treated will convince your Excellency of an earnestness of purpose worthy of their importance,

I subscribe myself,

Your most obedient servant,

WM. C. KIBBE,
Adjutant-General.



R E P O R T

STATE OF CALIFORNIA, ADJUTANT-GENERAL'S OFFICE, }
Sacramento, December 15th, 1862. }

To His Excellency,

LELAND STANFORD,

Governor of the State of California:

SIR:—Pursuant to the requirements of the laws of this State, and the laws of Congress, requiring the establishment of a uniform militia throughout the United States, I have the honor to submit to your Excellency the annual report of this department for the year A. D. eighteen hundred and sixty-two.

It is indeed gratifying to me in submitting this report to be able to congratulate your Excellency and the people of California, upon the patriotism and military zeal of our citizens as evinced in the organization of new military companies within the past year, and the unusual effort of officers and men to bring the force up to a standard of proficiency required for active service in the field. In the organized militia, officers and men have vied with each other in their efforts to be in readiness to subserve the public interests of California, by furnishing a force of well drilled men, and have thus materially aided in maintaining the integrity of our State by their laudable efforts for the public weal.

The wisdom of the founders of our Government, who recognized the great importance of a well organized militia as the national arm of our defence, is fully appreciated by the good citizens of California. The progress of the present war has developed the fact that thorough drill and discipline are of the utmost importance to the efficiency of troops, and there is an earnest determination in this State to have no more holiday soldiering, even although we are permitted to enjoy the blessings of peace.

During the eighteen months just past, our beloved country has been the theatre of one of the most formidable rebellions the world ever saw. The manner in which that rebellion has been met by the spontaneous uprising of a million and a half of loyal people, finds no parallel in the history of nations. From the moment that the blood-thirsty traitors struck their first blow at the nation's heart, the whole country east of the Pacific States has been resounding with the clash of arms, and has been rocking to and fro beneath the tread of the mightiest armies the world

ever saw. Since the Revolution that gave us independence, nothing has transpired to mark the page of history with occurrences so patriotic. It is our second war for freedom—a war for our salvation—our nationality—a contest forced upon us by treason, and one which is to be waged to its triumphant issue, for the conservation of the highest interests and hopes of humanity. The sublime spectacle of the uprising of a million and a half of loyal men, offering their lives upon the altar of their country, to throttle an insurrection designed to subvert the Constitution and destroy the Union, has had its effect. The fact that at least among a fourth of our people this wicked rebellion finds a smothered sympathy, which would promptly unbosom itself if circumstances favorable to its exposure should present themselves, and the tender thread upon which our relations with England and France seem to hang, has aroused the fears of our people and created the utmost universal impression that *military* preparation is necessary *here*. The sentiment that our Government shall not be destroyed pervades the hearts of our citizens to-day more fully than it did at the outbreak of this war. Young and old are looking with anxious eyes towards the scene of strife and blood, and thousands of strong hearts are ready at an hour's notice to rally around its noble banners, and aid in bearing aloft the standard of civil and religious liberty—the beacon light of the oppressed of the world. They are appealing by thousands to the State to be assigned a place in the ranks of our militia force, in order to prepare themselves for active service. Company organizations are being daily reported, and requisitions for arms and equipments are daily being made. The reverses of our armies, and the entanglements of our foreign alliances, only seem to strengthen the ardor of patriotism in California. How shall this sentiment, which has shown itself as yet only as a simple indication of duty upon the part of those for whom the Government was instituted, and who are its natural defenders, be met, fostered and made available for the present and prospective needs of the State and nation? I answer, by putting into the hands of our loyal citizens the requisite munitions of war, and by encouraging the citizen soldier in every possible manner. Camps of instruction and brigade encampments should be authorized at once, and the necessary equipage supplied at the expense of the State. California should be promptly placed upon a war footing, namely, the organization of a force of at least thirty thousand men under the militia law of our State should be effected for drill and military instruction, and the entire necessary expenses paid by the State. An appropriation should be made annually of at least eight thousand dollars to each regiment of organized and equipped militia, consisting of eight companies, and a corresponding amount to battalions and companies unattached, to be applied, one half to the payment of expenses necessarily incurred in parades and encampments authorized and directed by law, and the balance to the purchase of uniform, etc. It is useless to expect to keep up an efficient military organization, the burdens of which are to be saddled upon its members. The necessary expenses *must* be paid, and the time has come when the organization of this branch of the service should be fully sustained. The exigencies of our State and country demand of us that we should perfect a military organization worthy the patriotism and enterprise of our people, commensurate with the necessities of our exposed condition, and the part we may have to act in this unholy and fratricidal war. The niggardly policy of the State heretofore practiced towards this, the right arm of protection, by imposing all the burdens upon those of our citizens who have volunteered to supply

a nucleus of a military force around which the hosts of the State could rally in case of danger, must be discontinued. The fostering aid of the public Treasury *must* be invoked to meet all the actual expenses of our military force, if we would make it what it should be, or keep it what it now is. I beg of your Excellency to call the attention of the Legislature to this insuperable barrier to the complete efficiency of the troops of this State, and the necessity of immediate and substantial relief. If these good men and true who meet not less than twice a week to learn the art of war, to become proficient in the use of arms, to acquire habits of command and obedience, subject themselves to the discipline of the soldier, and quietly fit themselves for active service, give their *time* to the State, I insist that to impose in addition the burdens of expense of the organization is rank injustice, and an outrage upon the liberal citizens of California; certainly a people who have contributed their means by the hundreds of thousands to the noble object of ameliorating the sufferings of the sick and wounded soldiers of the armies of the Union, would scorn to have it go down to history that they withheld the meagre amount required to fit their fellow citizens for efficient service in the same field upon which they may sooner or later be called upon to act. Let the liberal and patriotic spirit be appealed to, and I doubt not but that speedy and needed support will be cheerfully voted by the representatives of the people of this commonwealth, and justice finally be done to the deserving and self sacrificing soldier.

When we realize the fact, that California has no defence under its own control but its militia, with a sea coast of eight hundred miles (at many points of which an invader could land troops with impunity) entirely unfortified, with the exception of the harbor of San Francisco, and no Monitors or ships of war of any description—no troops at our command excepting the uniformed militia, now consisting of less than five thousand men, our condition must indeed appear alarming. The militia includes all able bodied white male citizens, between the ages of eighteen and forty-five, of whom there are in this State one hundred and fifty thousand; and out of all these, only about five thousand are armed and disciplined and ready for service. We have but a single battery of artillery, and but few muskets or small arms of any description, excepting those in the hands of the organized militia. This brief sketch exhibits a condition of the defences of this State, which should not be allowed to continue a single day longer than it is necessary to remedy it. California is one of the most opulent States of the Union, and has a territory larger than many of the countries of the old world, or than any three States of the Union, and should provide a system of defence adequate to her great political and commercial interests. That we should longer remain in this exposed condition, pending a war which may disturb the friendly relations heretofore existing between our Government and the two great maritime powers of Europe, when we could have a force of thirty to fifty thousand well drilled men, capable of defending it against attack from any and every quarter, is, in the highest degree, reprehensible. Our system of government contemplates the militia as our chief defence against foreign invasion or internal rebellion. Our early statesmen and patriots had a dread of standing armies in times of peace, and they relied upon the strong arm of our citizen soldiers as our security against domestic commotions and foreign abuses. The Constitution of the United States, and of the several States, provided for it; our greatest statesmen have ever recommended it; Washington, in his first annual address to Congress, said:

"Among the interesting objects which will engage your attention, that of providing for the common defence of the country, will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace. A free people might not only be armed, but disciplined—to which end a well digested plan is requisite."

The Articles of Confederation of the United States contained the following:

"Every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage."

And the present Constitution of the United States declares that "the Congress shall have the power to provide for the calling forth of the militia to execute the laws of the Union, suppress insurrection, and repel invasion;" and also, "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Why this military force, so necessary to our political system, has been to such an extent ignored and neglected by the loyal States, can only be accounted for by the lax political morality into which we have been groping, and the forgetfulness of those useful lessons of experience, which have brought our country into so many national troubles, and into the present, the chiefest of them all.

Inquiry has often been made why it was that Massachusetts was able to send forward the well drilled troops, which first took part in the present struggle for the maintenance of the Government, with such promptness? The answer is, the excellent system for the organization and discipline of her military force, which had for years not only received the encouragement of judicious legislation, but at the same time, substantial aid in means amounting to an annual appropriation of from sixty thousand dollars (\$60,000) to eighty thousand dollars (\$80,000) for its support. To use the words of that distinguished soldier and statesman, Major-General N. P. Banks:

"Massachusetts could never have done what she did without long preparation—preparation in time of peace; preparation at a moment when none supposed there was to be war; when the great mass of the people were wild enough to believe that a war anywhere that could entangle us in its meshes was impossible; preparations made when everything connected with the military name and organization and military spirit, was looked upon as the spirit of dissipation, to be discouraged and discountenanced, and not regarded as part of the conduct or duty of an honorable or reputable man."

California should profit by this example, and make proper preparation. The organization of our citizens into companies, the expansion of every company now organized into a battalion, and every regiment into a brigade, filled to their minimum standard, completely equipped for service, should be the subject of early legislation, and authority given to organize and discipline an adequate militia force. Let the exposed and defenceless condition of our State be appreciated, and the proper means and encouragements given, and our enterprising and patriotic citizens will speedily organize the best drilled and apportioned army ever called into action from any State or country in the world.

We owe this preparation to our State; we owe it to our national compact; we owe it to the memory of those who handed the liberties we enjoy down to us; we owe it to ourselves; we owe it to posterity, and we owe it to the down-trodden millions of the world.

I do most earnestly again entreat your Excellency, therefore, to commend this subject particularly to the Legislature about to convene, that prompt measures may be taken for the better protection of California; that the wisdom of experience may be the guiding element in all deliberations upon this important subject, and that our exposed commonwealth may soon possess the means and appliances for perfect defence. Our organized militia is composed of high spirited and well disciplined men, and if it is regarded as important and necessary to increase their number to a war footing, the present organization affords an easy and good means. New regiments of infantry, new battalions of riflemen, new companies of artillery and cavalry, could be formed, and increase our present brigades to five thousand men strong, with proper apportionment of the several military arms. Then, if the worst fears of our people *should* be realized, the evidence will soon be afforded by the gallant sons of California, that this State has been true to her own and the nation's interests, and we shall hand down to history a fame worthy the patriotism, courage, and enterprise of this community, and at the same time discharge the most sacred obligations ever imposed upon a free people.

MILITARY UNIVERSITY.

In former annual reports I have frequently recommended the establishment of a State Military School, and here reiterate the suggestions contained in my last report, being more than ever convinced of its utility. That there is sufficient patriotic ardor in the breasts of our citizens capable of bearing arms, to step forth at the call of their country and enroll their names for service, is conclusively proven by past and present events; but to serve the State, or to act with effect in any great national contest, requires skill and ability, as well as patriotism. It is the truest maxim that in peace we should be prepared for war; for that individual who supposes that we can always be at peace, either at home or with foreign nations, understands very little of the history of nations. The position of our State, its distance from the seat of the National Government, its exposed sea coast of eight hundred miles, and embracing an area exceeding all the New England States combined, the character of the territory north, south, and east, its commercial importance to the Union, and the permanence and security of that great and growing commerce, call upon us to have a perfect military character cultivated amongst our people upon this coast, if we do not wish to see the rich prize passing out of our hands. A foreign government based upon principles antagonistic to our own, exists upon our northern frontier, which is ever jealous of the rapidly extending influence of our commerce, and by many believed to be unscrupulous as to the means which her statesmen adopt to crush out all rivalry and opposition to her empire over the seas; while at the south we find a peninsula of several hundred miles, sparsely inhabited, without any government, except that of a faction which may obtain a temporary power, and which offers, either by the way of the Gulf of California, or by the mainland, an opening for a

force at war with us, or desiring to subject our State, to land armies and munitions of war with which to invade our soil. The perpetuity of the blessings of a free government which we so happily enjoy, requires our eternal vigilance and sleepless activity, and as each State of the Union is depended upon to aid in all its efforts for the maintenance of the Government, so is each State called upon, not only to provide for a militia, but to provide the means to educate and fit their citizen soldiers for the responsible positions which, in cases of necessity, they may be called upon to fill. To provide a comprehensive system of military education is the duty of the Legislature. War is a science, and comprehends in its meaning all other sciences, and a greater portion of all human knowledge. It has been the study of nations for all past time, and large masses of men are devoted to the proficiency of arms. Governments have endowed, by liberal appropriations, schools for the instruction of the military art, until such progress has been made in the weapons of warfare and strategy that the science of war, the movements of troops, and the modes of attack and defence, are greatly changed. This extensive knowledge, which has been so cultivated by the nations of the earth, and our present domestic troubles, makes the necessity the more urgent in this country for a stricter attention to the military education of the people. Without order, regularity, discipline, and education, an army is liable to be routed at every point, and would resemble a victim sent to be slaughtered, rather than an army led to battle. It is impossible to expect that our volunteers, from the very nature of their employments, can acquire that extensive military knowledge necessary to cope with those who have made the military art the study of their lives. If the duties of the soldier to fit him for service require years of training, how much greater the necessity for those who are to *command* armies and divisions of armies to have a finished military education? To them are entrusted the lives of thousands of their fellow citizens, and the mistakes and disasters of armies in warfare may be attributed, in a great measure, to the ignorance of those who are intrusted with the command. It is not the simple duty of the officer who would aspire to command to understand the manual of arms, the formation and movements of the company or battalion; he will often be called upon to occupy positions which require an acquaintance with the different branches of service, so as to be able to act upon an emergency and without mistake or hesitation, either for defence or attack; be able to draw a plan, trace the lines of encampment, and in a moment's notice, to direct a field fortification.

The four grand divisions of which an army is composed, namely: infantry, cavalry, engineers, and artillery, and the mode of organizing for military service, and moving troops armed with the various arms, require no common intelligence. The education of the Engineer and Artillerist is the work of years, and includes the most comprehensive and careful study. To the Engineer we look for plans of fortifications, and skill to construct them; to him the infantry and artillery are indebted for their position on the battle field, and to their proper distribution, and also for the construction of the ways over roads and rivers, and in the entrenchments. Nor can the skillful Artillerist be considered much behind in the important duties of the profession. He requires a knowledge of projectiles, the laws of gravitation, the velocity and force of bodies, and how he shall take position for breach, in point blank, with mathematical accuracy. He should know how to construct gabions, fascines, embrasures, and various other works required.

The volunteer force, as at present constituted, cannot be expected to

possess either the theoretical or practical knowledge for these important duties. If this be so, a remedy ought to be applied to supply this defect. There is no better way in which this could be done by this State than by the establishment of a Military School, in which an opportunity would be afforded to the young men of the State to become skilled soldiers, to meet the necessity when it should arrive. Every nation of account in modern times has paid great attention to military education. The Greeks taught the military science to the children in their schools. In Prussia every man is a soldier, and required to do military duty for three years, and there are schools attached to every regiment and battalion, in which the privates are taught the rudimentary elements of learning, while High Schools, for the education of officers, are attached to every army division. There are also military schools founded at Berlin by Peter the Great. The school of St. Cyr, founded by Napoleon in eighteen hundred and three, educates the youth of France, and there was established the system which Russia, Saxony, and Austria follow.

It is our duty to educate our youth, and for our security to do this in such a manner as to give them the means of intelligence which the most prosperous and intelligent States provide for the proper discipline of their people. An institution established upon this basis would not only be frequented by the youth of the country, but adults who desire to become skilled in the duties of the soldier, would attend the military and scientific lectures at the hall of such an institution, and could thereby learn of the profession of the soldier sufficient to fit them for active and difficult duties.

The opportunity for the establishment of such an institution is at hand. I beg leave, therefore, to suggest the propriety of setting apart means for the establishment of a State Military Institute, similar to those now existing in several of the older States of the Union. The progress and success of these institutions have fully demonstrated the practicability of engrafting the military system upon State colleges. This suggestion, I am fully convinced, will meet with public favor and support. The introduction of military discipline in a school serves to promote regular habits and invigorate the physical constitution of the student, while, at the same time, it will give a practical tone to every department of study, and thoroughness of instruction would constitute its chief element. The habits of the soldier would conduce to system, promptness, responsibility, energy, and decision. To the pursuit of scientific courses, the principles and habits of duty render military schools the first institutions in the country, and it is to practical education that we mainly rely for our advancement in greatness as individuals or as a State or nation. It fits and prepares us for all the duties of life, and should form the basis of every State educational institution. Its graduates would go forth—the teacher to his school; the engineer to his rod and level; the architect and draughtsman to his drawing board; the farmer to his farm; the soldier to his post; each with a sound practical education, based upon system and order, which have been indelibly impressed upon his mind by the practical and systematic character of his school. I do not propose to discuss the full merits of such a college, but believing in its great utility, take this initiative step with a hope of directing public attention to it, and of inducing abler writers to extol its merits. It is for the Legislature to advise the plan for the establishment of such an institution, and I call your Excellency's attention to the matter, hoping that it may be favorably adverted to in the recommendations you may deem proper to make to that body.

PARADES.

Parades were ordered and held in the Second, Third, and Fourth Brigades, as follows, viz: Second Brigade, ninth day of September; Third Brigade, twenty-first day of October; Fourth Brigade, third day of October. The First Brigade having but one organized company, and that located in the extreme southern portion of the State, no parade was ordered. Parades have been ordered in the Fifth Brigade on the twenty-fifth of December, and in the Sixth Brigade on the twenty-fifth of December, and the first and tenth of January.

The parade of the troops of the Second Brigade, consisting of the following companies: *Artillery*—Company A, First California Guard, Captain Bluxome. *Cavalry*—San Francisco Hussars, Captain Seymour; First Light Dragoons, Captain Reed. *First Regiment of Infantry*, Colonel Wood commanding—Company B, City Guard, Captain Little; Company C, National Guard, Captain Adams; Company E, California Fusileers, Captain Tittle; Company F, California Light Guard, Captain Smith; Company G, Siegel Rifles, Captain Sesser; Company H, Carbineers, Captain Mitchell; Company I, Sumner Home Guard, Captain Ludlum; Company K, Ellsworth Rifles, Captain McDonald. *First Infantry Battalion*, Lieutenant Colonel J. M. McKenzie commanding—Company A, Union Guard, Captain Gorham; Company B, Ellsworth Guard, Captain Lake; Company C, Oakland Guard, Captain Brown; Company D, Washington Light Infantry, Captain Storer; Company E, Franklin Light Infantry, Captain McComb; Petaluma Guard, Captain Hewlitt; Napa Guard, Captain Hartson. *Second Infantry Battalion*, Lieutenant-Colonel Cazneau commanding—Company A, Montgomery Guard, Captain Hyde; Company B, McMahon Guard, Captain Knox; Company C, Shields Guard, Captain Ryan; Company D, Wolf Tone Guard, Captain Wason; Company E, Irish Invincibles, Captain Dowling; Company F, Benicia Guard, Captain McDonald; was held on the ninth of September, and was spirited, imposing, and soldierly—twenty-four companies being on the field. These troops, constituting three battalions, commanded, respectively, by Colonel Joseph Wood, commanding First Regiment; Lieutenant-Colonel J. W. McKenzie, commanding First Battalion; and Lieutenant-Colonel Thomas N. Cazneau, commanding Second Battalion; the whole Brigade, under the command of Brigadier-General Ellis, were reviewed by your Excellency, accompanied by Major-General Allen, staff of the Commander-in-Chief, and the Major-General's staff, and subsequently inspected by your Excellency and the Inspector-General of the State, accompanied by the general officers and officers of the general staff present. The troops were found to be well uniformed, equipped, and well officered. The review was most creditable, and the inspection satisfactory. The force which paraded was as follows, viz: Brigadier-General John S. Ellis, commanding; Brigade Staff—Major Ellis, Assistant Adjutant-General; Major Hill, Inspector; Major Hasbach, Engineer; Major Houston, Ordinance Officer; Major Smiley, Quartermaster; Major Eyenbrodt, Commissary; Major Gray, Surgeon; Major Harney, Judge Advocate; and the regiments and battalions above named. After the inspection, the Brigade was dismissed for thirty minutes, when it was re-formed by Brigadier-General Ellis, and the following evolutions of the line were performed, in a very creditable manner, by the infantry:

To advance in line of battle.

To halt the line and align it.

To play each battalion into column, doubled on the centre.

Form squares.

Reduce squares.

* Advance line of column.

To halt line of columns and deploy it.

To retreat in line of battle.

To halt the line marching in retreat and align it.

To break to the right.

To march to the left, etc.

These evolutions were performed with precision and promptness, and evinced considerable practice. During the time that the infantry were executing the above evolutions, the field artillery and cavalry were performing evolutions peculiar to their arms of the service, evincing thorough drill. Too much praise cannot be bestowed upon General Ellis and his efficient staff; upon Colonel Wood, Lieutenant-Colonels McKenzie and Cazneau, for the high state of discipline and drill of this Brigade; and to company officers, and men, for their efficiency in company drill. This efficiency has been greatly increased, not only in this Brigade, but throughout the State, by the appointment of a Major- and Brigadier-Generals from among the most accomplished officers in California, and particularly by the lively interest and solicitude in behalf of the State militia taken by the Commander-in-Chief, who, appreciating the importance of this branch of the service, has at all times given encouragement to it, by listening to and providing for its wants to the extent of his ability. I am, in this, but reiterating the universal sentiment of the militia of our State, induced by the fact that Governor Stanford has been the first of the Governors of California who has assumed to be Commander-in-Chief by doing his duty as such in all respects, and that their wants have from him received that respectful consideration and prompt attention which the interests of the same required. In connection with the subject of the parade of the troops of the Second Brigade, I find that the companies of San Francisco are compelled to occupy such company armories as can be obtained for the monthly rent (fifty dollars) allowed them by the county, the result of which is, that many of them are occupying rooms entirely unsuited for company drill, and unsafe for the storage of arms; and still the county, even for these rooms, which are not at all adapted to the purposes for which they are used, pays a sum equal to the interest upon fifty thousand dollars annually. An armory should be erected in San Francisco of sufficient size to accommodate the entire militia force of that county, and the Board of Supervisors of that county should be authorized and required to build it. This would give an incentive to perfect company and battalion drill, and a thorough efficiency among the troops, while at the same time it would furnish a safe repository for the arms of the State, which are now greatly exposed.

The troops of the Third Brigade paraded for review and inspection, by order of the Commander-in-Chief, at Copperopolis, on the twenty-first day of October, A. D. eighteen hundred and sixty-two, under the command of Brigadier-General Dobbie. The Brigade staff present consisted of the following officers, to wit.: Major Davis, Assistant Adjutant-General; Major Matteson, Inspector; Major Drew, Ordinance Officer; Major Sedgewick, Quartermaster; Major Choate, Commissary; Major Scribner, Paymaster; Major Jones, Surgeon; Major McNeil, Judge Advocate; Captain Smith, Aid-de-camp; all well uniformed, equipped, and mounted. The companies present consisted of the following, viz.: *Cavalry*—Stockton Light Dragoons, Captain Brown; *Infantry*—Tuolumne Home Guard, Captain Hooker; Calaveras Light Guard, Captain Stevens;

Union Guard, Campo Seco, Captain Davis; Stockton Union Guard, Captain Gilmore; Angels Guard, Captain Scribner; and the Franklin Guard, Captain Bryant. The battallion, under the command of Captain Hooker, was reviewed by the Adjutant-General of the State, accompanied by Brigadier-General Dobbie and staff, and subsequently inspected by the Inspector-General, accompanied by the above officers. The troops were well uniformed and equipped, and exhibited a commendable knowledge of company movements, and some of them, in company drill, were very proficient. Many of the companies, like soldiers not afraid of service, marched to camp, distances of from eighteen to twenty-six miles, bringing camp equipage and commissary stores sufficient for a week's supply with them, being determined to improve the occasion by a week's encampment, in which to practice battallion movements. There is a nucleus in this Brigade formed from the most enterprising citizens of the various counties, which has doubled its numbers since the parade referred to, and will increase the same to the strength of two full regiments by spring. The Brigadier-General, staff, and company officers, are all enlisted in the cause, and, in a State encampment, to be called next year, the Third Brigade will be found prepared to go into the contest with any like force in the State, for such prizes as may be offered for the best drilled and disciplined troops.

The troops of the Fourth Brigade paraded at Sacramento on the third of October, pursuant to orders, and consisted of the following companies, viz: Sacramento City Guard, Captain Howell; Marysville Rifles, Lieutenant Eilerman; Auburn Greys, Captain Rackliff; Shields Guards, Captain Fitzsimmons; and the Forest Hill Guard, Captain Davidson. Brigadier-General Collins was unable to attend, on account of sickness; Captain Howell, senior Captain, commanded the battallion. The troops were reviewed by the Commander-in-Chief, accompanied by a portion of his staff, the Adjutant-General, and Colonels Stanford, Crane, and Welty. The troops were subsequently inspected by the Commander-in-Chief and Inspector-General, accompanied by the staff present. The companies were well drilled and generally well uniformed, and performed their evolutions with credit to their company commanders, and themselves. On account of the late day on which the parade was ordered, and the distance of some of the companys' rendezvous from Sacramento, the parade was not as well attended as it would have been under more favorable auspices. The Sacramento Hussars (independent) performed escort duty to the Commander-in-Chief. (This company will soon organize under the laws of this State.) Brigadier-General Collins is fast bringing his troops into system, and the indications are that within twelve months from this time he will have at least three full regiments ready for service. Since the parade, a battallion of six companies has been organized by the militia of Placer County, and is well officered. Placer county has been the banner county of the State (in proportion to her population) in furnishing troops for the United States, and her citizens are trying for the palm in the number and efficiency of her citizen soldiers.

I most respectfully recommend to your Excellency that in orders for the future parades of the troops of this State, the evolutions to be performed, shall in all cases be stated, and the force required to execute the same, and such other movements as may be suggested upon parade. This course will gradually induce an acquaintance with the ordinary evolutions of the line, and all will be enabled to move on, step by step, in the scale of proficiency, until a ten days' encampment shall afford an oppor-

tunity for full instruction in the details of the service, as well as for evolutions of the line.

ARMS.

California is sadly deficient in arms, and yet the many applications to the General Government at Washington, made by your Excellency and from this department, for an additional supply, have thus far failed to meet with a favorable response. The requisitions, however, made upon Brigadier-General Wright, commanding the Department of the Pacific, have, to the extent of his ability, been promptly met, and I am informed will continue to be filled, so far as the public interests and the means at his command will permit. This officer is entitled to the thanks of the people of this State, for his active co-operation with the State authorities in an attempt to build up and equip our State troops. But we need artillery and cavalry arms, and improved arms for our infantry—of which there are none on this Coast. The State should be supplied at once with at least fifteen thousand muskets and rifles, eight or ten full batteries field artillery, cavalry arms sufficient to equip at least twenty squadrons, and camp equipage sufficient for at least ten thousand troops.

One of the most efficient arms of the service is artillery. We see its efficacy everywhere. It has gained most of our brilliant victories in the present war, and in all the wars of modern times. We have but a single battery of artillery, consisting of six field guns—four six-pounders, and two twelve-pound howitzers. (Two of these guns are now in use at the State Prison.) This State should have at least a full and complete battery of light artillery for each brigade. A manned battery is composed of one Captain, three Lieutenants, six Sergeants, eight Corporals, two Musicians, two Artificers, and one hundred and twenty-five privates. Besides the six field pieces, there are six caissons, two ammunition wagons, and one travelling forge. Each battery requires for active service, seventy-two horses. If artillery arms could be supplied, the citizens of our large cities and towns would promptly organize a proper force.

There are in the organized militia but three cavalry companies, only partially armed and equipped. One of the causes of our military failures in the present war, has been the want of a good cavalry force. When the war broke out the Government determined to have little or no cavalry, but its necessities soon made it requisite to organize a large cavalry force, which was found invaluable in checking the raids of the enemy, wherever they were to be attempted, and for the most effective field service. So in California, if an invading force should be landed upon our soil, a well organized and well mounted cavalry would be indispensable. California has ever been noted for her horsemen, and for the vigor, strength, and endurance, of her horses; but between mere horsemen and well drilled cavalry there is much difference; the latter we might have if proper measures were taken. Let us, then, provide for the organization of at least one squadron of cavalry in each brigade, and mount our best men on the best trained horses, and we shall soon have a cavalry force superior to any in the world. The organization and drill of cavalry and artillery is expensive, but we should not neglect to have a due apportionment of each arm of the service. I therefore most respectfully urge your Excellency to commend the subject of our poverty in arms and munitions of war to the Legislature, and recommend means for providing the same. Adequate preparation oftentimes averts war, and saves to a nation oceans of blood and millions of treasure. Had the loyal States heeded the wise counsels of the patriots of our early his-

tory, the present rebellion would never have shown its hydra head. Had the spirit of '76 been heeded and lived up to, in the now loyal States, as declared by the Convention which framed the Constitution of the State of New York, which provided that—"Whereas, it is of the utmost importance to the safety of every State, that it should be always in a condition of defence, and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it, this Convention, therefore, by authority of the good people of this State, doth ordain, determine, and declare, that the militia of this State, at all times hereafter, as well in peace as in war, shall be armed and disciplined, and ready for service, and that a proper magazine of warlike stores, proportionate to the number of inhabitants, be forever, hereafter, at the expense of this State, and by the Acts of the Legislature, established, maintained, and continued, in every county of this State,"—this war had never existed. Let California, then, benefit by the experience of the past, and do her duty to herself and the nation by promptly providing means for arming and equipping her troops.

APPOINTMENTS

I congratulate the people of the State, and particularly those connected with the militia, upon the appointment of general officers made during the past year by your Excellency. Great care has been taken in the exercise of this prerogative, to confer military appointments upon none but those who were most loyal to the Government, and at the same time to select, as far as possible, men distinguished for their military acquirements, and high standing and respectability in the communities in which they reside, ignoring in all cases every other consideration. California, though greatly honored by the high and responsible positions held in the army of the United States by several of her distinguished citizens, has been equally honored at home by the militia appointments made. The results of these wise selections and proper promotions are plainly seen in the incentive given to the military organizations of the State, and the greatly increased confidence manifested by our people in this arm of the service. We now have a Major-General, and several Brigadier-Generals, fitted to command the troops of California upon the battle field with credit to themselves and honor to the State. Permit me, then, on behalf of the citizen-soldiers, to congratulate your Excellency upon the manner in which this important duty has been discharged.

STAFF SCHOOLS.

Division and brigade staff officers should be required to be instructed in all the arms of the service. They should be most expert and highly educated officers; should understand all the movements which can be required in the brigades and divisions to which they are attached; should be familiar with the duties of troops, and competent to assist in their movements. In each brigade where it is at all practicable, the general officers and the general staff officers should constitute themselves into a staff school, procure, if necessary, competent instruction, and practice as a company of infantry, cavalry, and artillery; should man a section of a battery, mounted and dismounted; do duty as troopers, and as a platoon, and practice the school of the soldier and of the company thoroughly, and also as skirmishers. Then, with a proper examination of the schools of the battalion, squadron, and the line, they will be pre-

pared to perform their duties creditably. To be a skilful staff officer is no mean honor, nor can the name be earned without much study, much preparation. A good staff will always constitute the working machinery of the commanding officer.

QUALIFICATIONS OF THE RANK AND FILE.

I cannot do better than to reiterate a recommendation upon this subject made in my report in eighteen hundred and fifty-six:

“Care should be taken that every citizen should properly understand the character of the responsibilities he is about to assume, in whatever public capacity he is called upon to act, and I recommend that the law be so modified that every citizen who enrolls himself as a volunteer soldier under the laws of this State, should be required to subscribe to a stringent oath, that he will sustain and defend the Constitution and laws of this State and of the United States, against any and all persons, powers, and potentates, whatsoever.”

This recommendation, in view of the present exigencies of our State and nation, is regarded as peculiarly applicable to the times, and necessary to be incorporated in the law. The intelligence of every citizen must convince him that however remote the probability either of domestic trouble or foreign invasion may seem to be, yet the rolls of our organized militia should contain the names of none but those who are unalterably devoted to our Constitution and our Union, and who will defend them against all opposers whatsoever.

CAMPS OF INSTRUCTION.

A camp of instruction should be established by law, to continue for ten days at least, in the month of April or May of each year, which should be attended by all the commissioned and non-commissioned officers of the organized militia, and a detail from each company in the State; and in the month of September or October, annually, the whole force should be brought into camp, either by brigades, or in one grand encampment, for a similar length of time. The above is a desideratum for which I have been laboring for years. I have attempted to set forth some of the benefits to be derived therefrom, showing by actual returns, that out of the twenty-five thousand, the estimate of our losses in the Mexican war, only five thousand actually fell in battle, and upon the authority of official papers of the Mexican Government, out of fifty thousand lost, only ten thousand fell in battle; thus proving that even in one of the most equable and temperate climates on the globe, and in the absence of any devastating epidemic, the most frightful cause of disease and death in both armies arose from a want of knowledge of camp duties. The same results will be shown in a greater or less degree when the history of the present war is written. The army troops being under regular and systematic discipline, protected by a knowledge of the economy of camp life, became gradually inured to the absence of conventional customs, and were prepared to do good service in the field, and retain their health. On the other hand, the ranks of the volunteers engaged in that war, although they had the same equipage, were greatly thinned by fell disease before they had an opportunity of con-

flict with the opposing foe. What was to the regular troops only a change of habitation, simply requiring care and attention, was to the other a frightful source of distress and inconvenience. Cleanliness, a suitable health policy, and a thousand matters of good order, essential to the preservation of health, are the results of theory, but must be acquired by experience in service. Take a citizen from his fireside and place him in the active field, without previous instruction, and he will make a sad contrast with the well disciplined soldier. Take a citizen soldier and accustom him by an easy and pleasing transition to the duties on the field, and should his services be suddenly required in a more extended military sphere, his experience will enable him to contend with exposure and hardship, which otherwise would operate as a serious drawback. Let us, then, habituate our citizen soldiers, by a system of instruction, to their duties in this respect, and give them an anticipation of, and to a great extent, a safeguard against the vicissitudes of active service, and the result must be highly beneficial.

The faults of discipline and organization among our troops, developed in the present war, demonstrates the necessity of important improvement in our military establishment, in order to place it on the footing which the power and position of our country demand. The case cited above, and the losses and sufferings experienced in men during the early part of the Crimean war, among the British troops, which were so painfully exhibited in the reports of the Commissioners appointed to inquire into them, afford an argument conclusive as to the establishment of these camps. Encampments and camps of instruction should therefore be formed, in which officers and men may be exercised in manœuvres of large bodies of troops. As at present organized, there are few opportunities for our officers or soldiers to acquire practical knowledge of the conduct of field operations on a large scale, or the various resources of preserving their individual efficiency in campaign. A liberal appropriation should be made for these purposes, and the law so amended as to require the establishment of annual encampments and camps of instruction upon a proper basis.

DUTIES OF CIVIL OFFICERS.

The neglect of assessors to enroll all persons entitled to do military duty as required by law, and the disposition of some of them to practically nullify the same, suggests the application of a prompt remedy. These officers have been supplied with the militia law in pamphlet form, and their attention has been called to their duties under it, through the medium of letters and circulars from this department. In some cases this duty has been entirely neglected, and in others only partially performed. It is highly important that a full and complete enrolment should be annually made, a copy of which is to be transmitted by the Adjutant-General of State to the President of the United States, as required by law of Congress, and the original to be filed in the archives of the State. We should know how many, and who of our citizens are entitled to do military duty. The officers charged with this duty should be required to perform it faithfully.

COAST DEFENCES.

The necessity of rendering the Harbor of San Francisco defensible against vessels of war of every description is keenly felt by the people of

the whole State. A single vessel of war, once within range of that city, would hold it at its mercy; no matter how strong its forts may be garrisoned, or how many troops it may contain, it is absolutely helpless.

The first gun boat which, passing Forts St. Philip and Jackson, lay off the levee at New Orleans, virtually captured that city. A single war steamer, therefore, which should run the gauntlets of Forts Point and Alcatraz, this metropolis of our State must surrender or be destroyed. The capture of New Orleans shows how little power our fortresses have to obstruct the passage of even ordinary steamers of war. The range of stationary guns is so small, and their aim so uncertain, that it is a matter almost of chance if a passing steamer is hit at all; at most the danger lasts but a short time. If the attack should be made, however, by iron clad steamers, the peril of the city would be almost certain. I am sure that the Passaic or the Ironsides, and perhaps the Alabama, could enter the Harbor of San Francisco unharmed, in spite of the fortifications which defend it. Some new mode of defence, answering to the increased powers of offence recently created, is clearly demanded.

The new iron clad now being constructed for this coast would be wholly insufficient for defence of the harbor of the principal seaport and gold exporting city of this State. The Golden Gate is the real point of defence. The passage here is about one mile in width. The mode of perfect defence is, I believe, to be found in the revolving tower or turret, patented by Mr. J. R. Timby, of New York, in October, eighteen hundred and sixty-two. The plan suggested to completely fortify the city of San Francisco, is to construct a tower at Point Bonito and Point Lobos, and, if necessary, one in the middle of the passage.

This turret consists of an iron plated tower with a dome shaped roof, resting upon a foundation of masonry, and pierced for two tiers of guns. The foundation provided with casemated guns. The tower to be one hundred feet in diameter, and to mount sixty guns, thirty in each tier. The walls may be of any required thickness, of from two to five feet. The increase of weight for a land fortress is of no practical consequence. The tower revolves upon friction rollers, by means of a steam engine below and beyond the foundation of the fort; as the tower revolves, each gun in its turn is brought to bear upon the object direct, and the revolution is made in one minute, if desired. The whole on the principle of the turrets used in the new iron clads, Monitor, and others. Guns of any size can be used. Across the throat of the harbor, from fort to fort, if they were built, could be placed a series of massive chains, attached to windlasses moved by the steam engines in the forts. These chains to be drawn up by the windlass, when required, to such a deflection as to prevent the passage of vessels. This would check the momentum of the vessel and it would be at point blank range under the fire of two forts, each capable of delivering a shot every second. The essential idea of a revolving tower is, that every gun commands every point in the circle. In our present land fortifications only a fifth of the guns can be used with effect at any one time. If, then, towers could be built at the Golden Gate, and the other approaches to the city fortified, upon the plan already adopted by the government, the navies of the world could be kept out of that harbor. I would, therefore, most respectfully recommend that Congress should be memorialized upon this subject, that prompt steps be taken for the complete defence of our principal harbor.

SETTLER TROUBLES IN SONOMA COUNTY.

It having been reported to the Governor, by the Sheriff of the county of Sonoma, that he had been forcibly resisted in the execution of certain writs of restitution, issued to him by the Courts of said county and Judicial District, and that the said Sheriff had exhausted the civil power of the county in his lawful efforts to execute said writs of restitution without avail, and the aid of the military being applied for by the said Sheriff, the following special order was issued on the fifteenth day of September, eighteen hundred and sixty-two, viz :

GENERAL HEADQUARTERS, STATE OF CALIFORNIA, }
Adjutant-General's Office, Sacramento, Sept. 15th, 1862. }

[Special Order, No. 27.]

Whereas, It is represented to me by the Sheriff of the county of Sonoma of this State, that certain citizens of said county of Sonoma have forcibly resisted him in the proper and legal execution of certain writs and orders issued to him by the Courts of the said county and district, to wit : Writs of restitution, wherein Josephine Baillache is plaintiff and Cornelius Rice, et al., Thomas L. Forser, J. N. Stapp, Alexander Seaggs, and A. M. Green, are defendants, and that the said citizens do continue to resist him in the performance of his duty as Sheriff; and

Whereas, he has further represented to me that the civil power of the said county has been exhausted in an attempt to execute said writs and processes, and has duly made a requisition upon me for the aid of the two militia companies of said county; you are therefore ordered to have your command in readiness for service forthwith, and to render such aid to the Sheriff of the County of Sonoma, in the execution of the said writs and processes, as he may require. The Captains of the Petaluma Guards, P. B. Hewlitt, and Emmett Rifles, T. F. Baylis, of the Second Brigade, California Militia, will report their command for duty, duly armed and equipped, to the Sheriff of Sonoma, at Santa Rosa, the county seat thereof, on the twenty-second day of September, eighteen hundred and sixty-two, and you will observe such orders as the said Sheriff may give. Ammunition will be furnished by General William C. Kibbe, Adjutant-General of this State.

By order of the Commander-in-Chief.

WILLIAM C. KIBBE,
Adjutant-General, State of California.

The troops called into service by virtue of the foregoing order responded promptly, and the following is the report of the expedition, submitted by Captain P. B. Hewlitt, commanding the same, viz :

PETALUMA, September 30, 1862.

To His Excellency,

GOVERNOR STANFORD,

Commander-in-Chief of the California Militia :

Sir:—Pursuant to Special Order No. 27, I reported my command, consisting of one Captain, one First and one Second Lieutenant, one Surgeon, and twenty-four rank and file, to the Sheriff of Sonoma County, at Santa Rosa, on the twenty-seventh instant, where we were joined by

the Emmet Rifles, consisting of one Captain, one First and one Second Lieutenant, and nineteen rank and file. After reporting to the Sheriff, we proceeded on the Healdsburg road to Mark West creek, where we "pitched tents," and encamped for the night, subject to the orders of the Sheriff. On the day following we proceeded to Healdsburg, and encamped about three fourths of a mile north from the town, and near the disputed territory. The balance of the day was spent in an unsuccessful attempt to compromise matters between the grant owner and the settlers. On the twenty-fourth instant, having been joined by the "Sheriff's posse," consisting of about fifty men, twenty of whom were armed with muskets, we marched to the ranch of Mr. Miller, for the purpose of executing the writs mentioned in Special Order No. 27. On approaching said ranch we were threatened by bands of horsemen, when I ordered Captain Baylis to deploy a platoon of his company to clear the woods on our left, and also to take possession of an eminence covered with timber, and which commanded a cornfield in the rear of Mr. Miller's house, all of which was faithfully executed. On arriving at the house, we found a collection of men, women, and children, assembled there, who were in a high state of excitement; we also noticed a band of armed men, with blackened faces, in the cornfield in the rear of the house. I then ordered the armed portion of the Sheriff's posse to pass around the cornfield to the left, under cover of a fence, and, if possible, intercept the "black faces," to prevent their escape by the rear of the cornfield; seeing our movements, and anticipating, perhaps, that if they remained their retreat would be cut off, they "skedaddled." The women, children, and effects of Mr. Miller, were then removed from the premises, and we returned to camp. On the following day we proceeded to another portion of the ranch, and removed two families. A great deal of excitement prevailed here, and violence was resorted to by a few men and the women, but no fire-arms were used, nor did we discover any men with painted faces. We proceeded, from day to day, to execute the writs, until Sunday, the twenty-eighth instant, when, having executed all the writs mentioned in said order, we returned to Santa Rosa, and encamped for the night. On Monday, the twenty-ninth, having been dismissed by the Sheriff, we returned to Petaluma, and resumed our usual avocations.

Respectfully, yours to command,

[Signed]

P. B. HEWLITT, Commanding.

Too much praise cannot be bestowed upon Captain Hewlitt, who commanded the expedition, Captain Bayliss, and the officers and men under them, for their soldierly conduct in the performance of this service, by which it is possible that a protracted war may have been thus promptly averted. The expenses of the expedition will amount to about twelve hundred dollars, and should be promptly paid by the State, an abstract of which will be found in the appendix.

SYNOPSIS.

First—That the study of military tactics and practical drill by the students of our colleges and academies, by diffusing a knowledge of the more important duties of the soldier, would be of great advantage; that the physical exercise to students would be conducive to health, and be greatly preferred to the ordinary amusements resorted to; that the time

and labor necessary to acquire anything like proficiency in military knowledge is too great to admit of thorough instruction at the ordinary company and battalion drills which take place in our organized militia.

Second—That there should be more encouragement given to the formation of new companies in the several arms of the service. Out of a population of one hundred and fifty thousand liable to bear arms, less than five thousand compose the organized force of this State. That this condition of things arises from no indisposition on the part of our citizens to connect themselves with the militia, but to a want of a proper encouragement from the State; that the cost of maintaining such a military establishment as our safety requires, should be made a public charge; that there should be a reasonable appropriation annually, derived by a general tax, on the principle that the military is relied upon as a safeguard to life and property.

Third—That, as proficiency in field manœuvres can only be acquired by practice, provision should be made for the more frequent assembling of companies for drill, and for massing large bodies for instruction in battalion and brigade movements. In all cases where troops are removed from their homes and business vocations the expenses of officers and men should be paid. Brigade and State encampments should be authorized.

Fourth—That nothing would give a more direct and earnest impetus to the formation of new companies than a supply of improved arms. Our annual quota amounts to but one hundred and twenty-eight muskets and accoutrements, so that we should not rely upon this source for the equipment of our troops. There are constant applications made to this department for arms, by citizens who desire to connect themselves with the military organization for home duty. If this inclination could be encouraged it would lead to a large increase of our military force. It will be noticed that the number of arms in possession of the State is so small that the most prompt means should be taken to increase the supply, to arm new organizations, and complete the equipment of those already formed.

Fifth—That if, with such encouragements as can be offered by the State, an adequate force is not organized, provision should be made for the organization of at least fifteen thousand troops, including those already formed. This would constitute no larger force than should be readily furnished from an aggregate population of half a million, nor would it be larger than may be required to protect our exposed State.

Sixth—That a thorough and complete enrolment of citizens entitled to do military duty, should annually be made. This is required by the laws of this State and Congress.

Seventh—That a stringent oath, binding our citizen-soldiers to support and defend the Constitution of the United States and of this State, should be prescribed and required to be legally administered to all connected with the same.

The greatly increased duties imposed upon this department, owing to the formation of the regiments raised in this State for the service of the United States, made it necessary to employ an additional clerk, and Mr. R. H. Duly was thus employed, on the twelfth day of July last, and has been constantly engaged since that time, thereby nearly exhausting the appropriation for clerk hire made for this department for the fourteenth fiscal year. The additional expenses of this office, thus incurred, and a large proportion of the printing done for this department during the past year, is properly chargeable to the General Government. The War

Department require monthly detailed returns of the troops in the service of the United States raised in California, to be made up in this office, properly certified and transmitted. These returns, and many others specially called for, have been promptly made up and forwarded. There have been issued during the year, five hundred and sixty commissions from this office, and over five thousand five hundred official letters have been written and copies made by my clerks. Twenty-six companies, three battalions, and one regiment, have been organized during the year.

The provisions of the law of April twenty-fourth, eighteen hundred and sixty-two, like the law of May ninth, eighteen hundred and sixty-one, contemplates the opening of the General Fund of the Treasury to the drafts of the Board of Military Auditors, for the payment of the necessary expenses of the organized militia, and of this department, but as no appropriation was made, no money could be drawn, and accounts to the amount of several hundred dollars have been incurred for transporting arms and travelling expenses, which should be promptly paid. As many of the accounts for transportation of arms have not as yet been filed in this office, I am compelled to defer the exact statement of the same until they are received. As no appropriation was made for the rent of office of the Adjutant-General in the deficiency law for the thirteenth fiscal year, and an excess of appropriation having been made in that law for rent of arsenal, I have applied the excess to the payment of the rent of office. No appropriation has been made for postage or Portage for this fiscal year; two hundred and fifty dollars (\$250) will be required, also an appropriation for desk and carpet for office of one hundred and thirty dollars (\$130.)

A statement of all arms and military property received, issued, and expended—the present condition of such property—the number, strength, and condition of the organized militia, and the strength of the enrolled militia, and a roster of the officers of the California volunteers, will be found in the Appendix hereunto attached.

I have expended, out of my own private funds, on account of the State, for expressage, travelling expenses in inspecting troops and arms, the sum of three hundred and seventeen dollars and twenty-five cents, (\$317 25,) a schedule of which is herewith appended.

In conclusion of this report, I may add, that it is to be hoped that the militia may hereafter have no reason to complain of legislative neglect, and that your Excellency will recommend that every proper means may be taken to encourage and foster the military spirit with which its members are imbued, and that the representatives of the people shall not be unmindful of their just needs.

All of which is most respectfully submitted.

I am, Sir, your Excellency's obedient servant,

WILLIAM C. KIBBE,
Adjutant-General, State of California.

ADDENDA.

The enrolment of the militia has only been partially made. Up to this date, returns have only been received from the Second Brigade and a portion of the First and Sixth Brigades, so that not even an approximate return can be made to the President of the United States, as required by the laws of the State of California and the laws of Congress.

Assessors are greatly at fault in making up and transmitting their returns to the Generals of Brigade, and these officers are also in some cases delinquent in conforming to the provisions of the law. The labor imposed upon general officers in this respect should be compensated for. The task of making copies of rolls containing seventy thousand or eighty thousand names, as is the case in some of our large brigades, without pay, is an unjust requirement, and should be remedied.

The Major-General should not be required to make up for this department the rolls required by section thirty-four of the Militia Law. This section should be repealed so far as it relates to the making up and transmitting muster rolls to the Adjutant-General.

APPENDIX.

CALIFORNIA VOLUNTEERS.

Appended will be found a roster of the officers of the several regiments of California Volunteers in the service of the United States. Tri-monthly returns of these regiments, as required by the War Department, have been made and transmitted from this office, as promptly as received, during the past year. The roster will show many changes of officers during the year. The most important duty imposed by the Act of Congress of July twenty-second, eighteen hundred and sixty-one, upon the Governors of States, is that of commissioning officers of troops called into service. This duty, responsible under any circumstances, is rendered doubly so from the nature of a volunteer force; the difficulty, and oftentimes the impossibility of applying to its performance the well defined rules of the regular service. In the exercise of this prerogative, promotions, if they could be made in the regular order of seniority, would be an easy task; but when men without any previous knowledge of military matters are commissioned and sent into the field, it is not at all surprising to find that the subaltern officer, in service, frequently shows a proficiency in the performance of his duties of which his superiors are wholly deficient. In such cases the interests of the service require that the ordinary rules of promotion should be suspended, and that merit should have its proper recognition and reward. As a general rule, it is doubtless well to promote regularly, but a departure from it is sometimes required by strict justice and the interests of the service. No officer should be permitted to rest his claim for promotion solely upon his right by seniority, and it should be promulgated in all regiments that *meritorious conduct may overbalance the accidental advantage of position*. This would encourage a spirit of emulation which could not fail to elevate the character of the volunteer officer, and to inspire the rank and file with a worthy ambition.

Promotions should generally be made to field officers regimentally, and line officers by companies. Each regiment and company should generally be considered, with reference to promotion, a distinct body, and all vacancies filled, as far as practicable, from within the organization. This would remove the apprehension with which outside appointments are regarded, and hold out an incentive to the rank and file for such preferment as the chances of the service might offer as a reward for soldierly conduct. To open the door of promotion to the soldier, and keep it open before him, cannot but have a salutary effect; he feels that he is no longer doomed to an endless routine of duties, from which there is no relief, and to a position from which there is no escape; his ambition is aroused by the hope of promotion, and his resolution strengthened to deserve it. The course pursued by your Excellency in filling vacancies in the volunteer service, chiefly upon the recommendation of Colonels of regiments, is expected to carry into effect the suggestions herein made, and holds out a fitting encouragement to officers and men, *so long as regimental commanders will properly act upon it*, and use the responsibility for the best interests of their commands and of the service, and it is to this end, chiefly, that these remarks are made, with

the hope that those officers who have hitherto been at fault in this respect may be convinced of its great utility.

I have never been an advocate of applying the elective principle to military organizations for active service, and am now fully confirmed in the opinion that it is injudicious. I believe that the perfection of any military system depends upon the *absolute* authority by which it is controlled. Few officers who owe their position to the votes of those constituting their command, will act with that paramount regard to the interests of the service which is necessary to promote its highest success. I regard the elective principle, also, as prejudicial to the soldier. In the choice of officers he is frequently governed more by personal preferences than by any real merit or proficiency of his candidate. Experience has proved this in many cases in the first organizations of the companies in the service from this State, the officers elected having been found to be totally incapacitated not only to command, but to exercise a proper *care* for their men, to the great detriment of their companies and the service. I would therefore recommend that in case new regiments should be organized for the service of the United States, that no elections for line officers should be authorized, but that the members of companies should simply be permitted to recommend for appointment to the consideration of the Governor.

I am pleased to state that many of the officers in the service are very proficient, and will do honor to the State and country, whenever and wherever duty may call them, and especially that those who have hitherto been connected with the militia of the State have labored arduously and successfully for the interests of the service.

RANK AND FILE.

The rank and file of the California Contingent is made up of material of which any State or nation might be proud, and the sacrifices they have made should be duly appreciated, and their services rewarded by the State. I do most earnestly recommend, therefore, that the precedent established by many of the Atlantic States—of paying their troops in the service of the United States an additional amount monthly—should be adopted by California, and that a bill appropriating, say, ten dollars per month to each enlisted man of the troops raised, or to be raised, in this State, be passed; to be paid upon muster rolls to be filed in this office after each and every muster. The amount to single men, to be paid at the end of their term of enlistment, or of the war, and to men of families, to be paid upon allotment rolls made up by the soldier, under proper restrictions. This would be a most tangible method of recognizing the patriotic efforts of our soldiers, relieve many of their families from actual destitution and want, and hold out a fitting encouragement for honorable service.

While our troops have been organized and sent forth to duty, I have given much care and attention to the descriptive rolls of companies and regiments, causing them to be made out carefully and deposited in this office. We have, therefore, the name, residence at the time of enlistment, age, place of nativity, and name and residence of nearest friend, of nearly every man from this State in the volunteer service.

I have had the duty of an obituary correspondence with the relatives of deceased soldiers almost weekly during the past year. To the brave men who have gone forth to endure the hardships of military service, and, if necessary, to meet the ordeal of death in defence of law and liberty, the State will ever be grateful.

CALLING FOR VOLUNTEERS.

Under section eight of the Constitution, Congress has power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;" also, "to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion."

The Act of Congress of July twenty-second, eighteen hundred and sixty-one, calling out five hundred thousand volunteers, is in accordance with this section of the Constitution, and has, in all cases, been so conceded.

A strict and uniform recognition of these functions on the part of the Government, would prevent perplexity and promote the public service. It should be insisted upon, therefore, in future that for all levies of volunteers from this State, formal requisition be made on the Governor. If this rule is not observed it may tend to create a suspicion and jealousy of the Federal power. Such a result should be guarded against, for it might impair that feeling of mutual confidence which has enabled the Government to draw from the loyal States nearly a million and a half of volunteers.

A plan which has been so successful should not be changed on light grounds, and a disposition to ignore the State authorities, of which there have been some indications in late orders, should be met by a respectful protest, and, if necessary, by positive legislation.

California stands prepared in the future, as in the past, to support the Government to the fullest extent of her resources, in men and means; but if her efforts are to be rendered effective in the greatest degree, the well defined rules heretofore practiced in the raising of troops by voluntary enlistment should be applied in this State, in all cases.

The Act of Congress referred to requires the President to issue his proclamation, or make requisition for the troops required, noting the States from which the same are to be furnished, according to the Federal population.

To the Government, then, clearly belongs the right of determining the number of volunteers to be organized in each State. But the duty of organizing such troops as may be called for by requisition of the President, of appointing their officers, and of turning them over to the Government service, properly rests with the authorities of the several States.

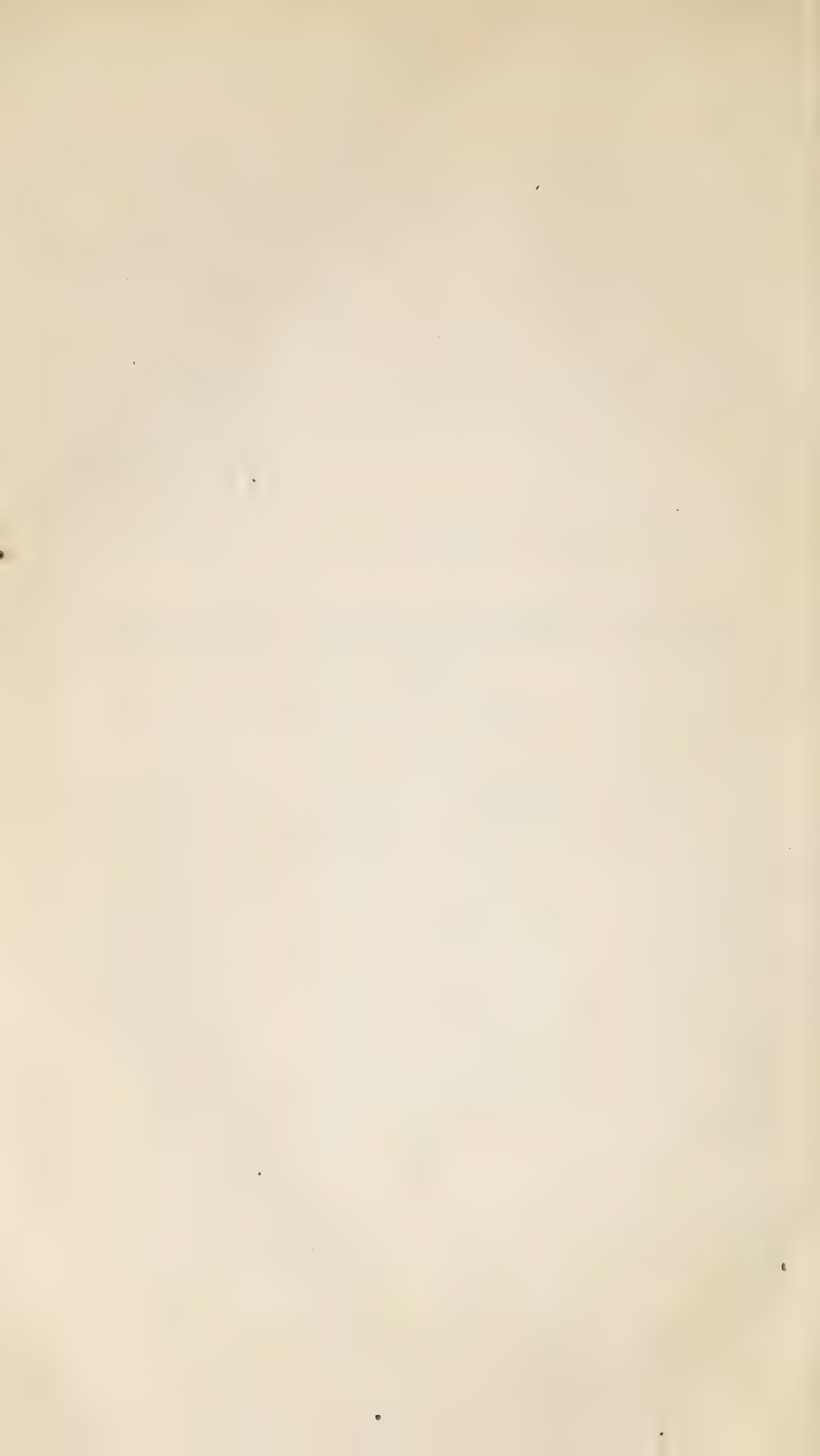
If troops should be required from this State for active service at the seat of war, they can be promptly raised, to the number of twenty thousand or more, but they should go as California regiments, and California should have the honor and the credit of their services upon the field of battle, for they will become distinguished for soldierly bearing and gallantry wherever they meet the common foe. We can easily spare the regiments already organized for the seat of war, and promptly fill their places, if required, with the most effective troops, and it would seem a matter of justice that this course should be pursued. Certainly the men who so promptly volunteered to make up the California Contingent, regardless of personal sacrifices, or the fact that it was a matter of doubt whether they would ever have an opportunity for service beyond the limits of California, are entitled to go to the seat of war, if any troops should be called for from this State.

It is to be hoped, therefore, that no more organizations, to be attached to troops of other States, will be permitted to be made up here.

ROSTER OF CALIFORNIA VOLUNTEERS

MUSTERED INTO THE SERVICE OF

THE UNITED STATES.



ROSTER OF CALIFORNIA VOLUNTEERS MUSTERED INTO THE SERVICE OF THE UNITED STATES.
FIRST CAVALRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Lieutenant-Colonel.....	David Ferguson.....	November 14, 1861.....	November 1, 1861.....	.....
COMMISSIONED STAFF.				
Surgeon.....	John H. Prentiss.....	October 1, 1861.....	August 16, 1861.....	.....
First Lieutenant and Regimental Quartermaster.....	James H. Coleman.....	August 24, 1861.....	August 15, 1861.....	.....
First Lieutenant and Adjutant.....	Harrison M. James.....	September 20, 1861.....	September 20, 1861.....	.....
LINE.				
Captain, Company A.....	William McCleave.....	August 31, 1861.....	August 15, 1861.....	.....
Captain, Company B.....	Emil Fritz.....	September 16, 1861.....	August 16, 1861.....	.....
Captain, Company C.....	Edward D. Shirland.....	September 16, 1861.....	August 16, 1861.....	.....
Captain, Company D.....	Nathaniel J. Pishon.....	February 24, 1862.....	February 24, 1862.....	.....
Captain, Company E.....	Chauncey R. Wellman.....	April 4, 1862.....	April 1, 1862.....	Promoted from Sec. Lieut. Co. B.....
First Lieutenant, Company A.....	Benjamin F. Harvey.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company B.....	Juan Francisco Guitardo.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company C.....	Porter Haden.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company D.....	Albert C. French.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company E.....	Charles P. Nickel.....	September 16, 1861.....	August 16, 1861.....	.....
Second Lieutenant, Company A.....	Samuel H. Allyne.....	June 23, 1862.....	April 28, 1862.....	Promoted from private, First Infantry, C. V.....
Second Lieutenant, Company B.....	Frederick Muller.....	November 14, 1861.....	September 22, 1861.....	Promoted from Sergeant.....
Second Lieutenant, Company C.....	Ephraim C. Baldwin.....	September 16, 1861.....	August 16, 1861.....	.....
Second Lieutenant, Company D.....	William V. B. Wardwell.....	September 16, 1861.....	August 16, 1861.....	.....
Second Lieutenant, Company E.....				

ROSTER OF CALIFORNIA VOLUNTEERS—Continued.

SECOND CAVALRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Colonel.....	Columbus Sims.....	November 14, 1861.....	November 13, 1861.....	Promoted from Lieut.-Col. Second Cavalry, C. V.....
Lieutenant-Colonel.....	George S. Evans.....	November 14, 1861.....	November 12, 1861.....	Promoted from Major Second Cavalry, C. V.....
Major.....	Edward McGarry.....	October 13, 1861.....	October 13, 1861.....	.....
Major.....	Charles McDermitt.....	November 14, 1861.....	November 13, 1861.....	Promoted from Captain Co. M, Second Cavalry, C. V.
Major.....	John M. O'Neill.....	December 4, 1861.....	December 4, 1861.....	.....
COMMISSIONED STAFF.				
Surgeon.....	Jonathan M. Williamson.....	October 15, 1861.....	September 27, 1861.....	.....
Assistant-Surgeon.....	Charles C. Farley.....	October 15, 1861.....	September 29, 1861.....	.....
First Lieutenant and Adjutant.....	Thomas L. Harris.....	December 9, 1862.....	September 7, 1862.....	Promoted from Serg't-Major to Sec. Lieut. Co. A, June 3, 1862. Promoted from Sec. Lieut. Co. A, to First Lieut. and Adj't, Dec. 9, 1862.....
First Lieutenant and Regimental Quartermaster.....	.....	.....	.....	.....
Commissary, rank of Second Lieutenant.....	Henry R. Miller.....	December 11, 1862.....	September 7, 1862.....	Promoted from Serg't-Major to Sec. Lieut. Co. G, June 23, 1862, and declined. Promoted from Serg't-Major to Sec. Lieut. and Commissary Second Cavalry, C. V., Dec. 11, 1862.....
LINE.				
Captain, Company A.....	John C. Cremony.....	November 4, 1861.....	September 14, 1861.....	.....
Captain, Company B.....	Henry B. Mellen.....	November 4, 1861.....	October 26, 1861.....	Promoted from First Lieut. Co. C, Nov. 4, 1861.....
Captain, Company C.....	Moses A. McLaughlin.....	November 4, 1861.....	September 10, 1861.....	.....
Captain, Company D.....	.....	.....	November 19, 1862.....	Promoted from Sec. Lieut. Co. A, to First Lieut. Co. A, May 21, 1862. Promoted from First Lieut. Co. A, Nov. 20, 1862.....
Captain, Company E.....	.....	.....	.....	.....
Captain, Company F.....	David A. Demeritt.....	December 3, 1861.....	September 15, 1861.....	.....
Captain, Company G.....	.....	.....	.....	.....
Captain, Company H.....	Daniel McLean.....	October 17, 1861.....	September 24, 1861.....	.....
Captain, Company I.....	William Jones.....	November 4, 1861.....	October 11, 1861.....	.....
Captain, Company K.....	Samuel P. Smith.....	November 4, 1861.....	September 27, 1861.....	.....
Captain, Company L.....	Albert Brown.....	November 4, 1861.....	September 23, 1861.....	.....
Captain, Company M.....	George F. Price.....	November 14, 1861.....	November 13, 1861.....	Promoted from First Lieut. Co. M, Nov. 14, 1861.....

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
First Lieutenant, Company A...	Edward A. Descouris.....	November 4, 1861.....	September 14, 1861.....	.....
First Lieutenant, Company B...	George D. French.....	November 4, 1861.....	September 10, 1861.....	.....
First Lieutenant, Company C...	Robert Daley.....	November 4, 1861.....	September 20, 1861.....	.....
First Lieutenant, Company D...	James M. Ropes.....	December 3, 1861.....	September 15, 1861.....	.....
First Lieutenant, Company E...	James C. Doughty.....	June 23, 1862.....	June 19, 1862.....	.....
First Lieutenant, Company F...	Augustus W. Starr.....	July 23, 1862.....	July 23, 1862.....	Promoted from Sec. Lieut. Co. F, June 23, 1862.....
First Lieutenant, Company G...	Joy H. Napier.....	November 25, 1862.....	November 24, 1862.....	Promoted from Sec. Lieut. Co. I, June 23, 1862. Promoted from Sec. Lieut. Co. I, Nov. 25, 1862.....
First Lieutenant, Company H...	Darlin Chase.....	November 4, 1861.....	September 27, 1861.....	.....
First Lieutenant, Company K...	David J. Berry.....	November 4, 1861.....	September 23, 1861.....	.....
First Lieutenant, Company L...	Thomas F. Wright.....	November 14, 1861.....	November 13, 1861.....	Assigned from First Lieut. and Reg'l-Quartermaster, Nov. 13, 1861.....
First Lieutenant, Company M...	James P. Bennett.....	November 4, 1861.....	September 14, 1861.....	.....
Second Lieutenant, Company A...	Henry W. Williams.....	November 4, 1861.....	September 21, 1861.....	.....
Second Lieutenant, Company B...	Thomas Barker.....	July 17, 1862.....	June 19, 1862.....	Promoted from Sergeant.....
Second Lieutenant, Company C...	Stephen R. Davis.....	November 4, 1861.....	September 20, 1861.....	.....
Second Lieutenant, Company D...	William B. Hooper.....	July 23, 1862.....	July 23, 1862.....	Acting Regimental Quartermaster.....
Second Lieutenant, Company E...	George D. Conrad.....	July 17, 1862.....	July 16, 1862.....	.....
Second Lieutenant, Company F...	Alexander N. Runyon.....	August 28, 1862.....	August 27, 1862.....	Promoted from Quartermaster-Sergeant.....
Second Lieutenant, Company G...	Cyrus D. Clark.....	November 4, 1861.....	September 27, 1861.....	.....
Second Lieutenant, Company H...	John Quinn.....	November 4, 1861.....	September 23, 1861.....	.....
Second Lieutenant, Company I...	Royal L. Westbrook.....	April 24, 1862.....	April 24, 1862.....	Promoted from First Sergeant Co. M.....

ROSTER OF CALIFORNIA VOLUNTEERS—Continued. FIRST INFANTRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Colonel.....	Joseph R. West.....	June 23, 1862.....	April 28, 1862.....	Promoted from Lieutenant-Colonel First Infantry....
Lieutenant-Colonel.....	Edwin A. Rigg.....	June 23, 1862.....	April 28, 1862.....	Promoted from Capt. Co. A, First Infantry, to be Major First Infantry, Sept. 9, 1861; promoted from Major, June 23, 1862.....
Major.....	William McMullen.....	June 23, 1862.....	April 28, 1862.....	Promoted from Capt. Co. C, First Infantry.
COMMISSIONED OFFICERS.				
Surgeon.....	James M. McNulty.....	October 1, 1861.....	August 15, 1861.....	.....
Assistant Surgeon.....	Peter W. Randle.....	October 1, 1861.....	August 16, 1861.....	.....
Assistant Surgeon.....	Edward L. Watson.....	November 18, 1862.....	November 18, 1862.....	.....
First Lieutenant and Adjutant.....	.....	.....	.....	.....
First Lieutenant and Regimental Quartermaster.....	.....	.....	.....	.....
Chaplain.....	A. H. Myers.....	November 2, 1861.....	October 13, 1861.....	.....
LINE.				
Captain, Company A.....	Edward B. Willis.....	September 16, 1861.....	September 5, 1861.....	Promoted from First Lieut. Co. A, First Infantry....
Captain, Company B.....	Valentine Drescher.....	September 16, 1861.....	August 16, 1861.....	.....
Captain, Company C.....	Joseph P. Hargrave.....	June 23, 1862.....	April 28, 1862.....	Promoted from First Lieut. Co. F, First Infantry....
Captain, Company D.....	Francis S. Mitchell.....	June 23, 1862.....	April 1, 1862.....	Promoted from First Lieut. Co. B, First Infantry....
Captain, Company E.....	Thomas L. Roberts.....	September 16, 1861.....	August 16, 1861.....	.....
Captain, Company F.....	Henry A. Green.....	September 16, 1861.....	August 16, 1861.....	.....
Captain, Company G.....	Eulayette Hammond.....	July 17, 1862.....	July 11, 1862.....	Promoted from First Lieut. and Regimental Quartermaster, First Infantry.....
Captain, Company H.....	William P. Callaway.....	September 16, 1861.....	August 16, 1861.....	.....
Captain, Company I.....	Nicholas S. Davis.....	February 7, 1862.....	January 11, 1862.....	Promoted from Sec. Lieut. Co. A, First Infantry, to be First Lieut. Co. A, First Infantry, Sept. 16, 1861; promoted to be Captain, Feb. 7, 1862.....
Captain, Company K.....	.....	.....	.....	.....
First Lieutenant, Company A.....	Richard S. Barrett.....	June 23, 1862.....	April 1, 1862.....	Promoted from Sec. Lieut. Co. I, First Infantry....
First Lieutenant, Company B.....	David B. Harkell.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company C.....	.....	.....	.....	.....

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
First Lieutenant, Company D.	John Martin.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company E.	William A. Thompson.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company F.	Edward G. Taylor.....	June 23, 1862.....	April 28, 1862.....	Promoted from Sec. Lieut. Co. F, First Infantry.....
First Lieutenant, Company G.	Robert M. Crandall.....	February 26, 1862.....	February 26, 1862.....	Promoted from Sec. Lieut. Co. C, First Infantry.....
First Lieutenant, Company H.	Alexander B. McGowan.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company I.	Henry M. Benson.....	September 16, 1861.....	August 16, 1861.....	.....
First Lieutenant, Company K.	George H. Pettis.....	February 7, 1862.....	January 1, 1862.....	Promoted from Sec. Lieut. Co. B, First Infantry.....
Second Lieutenant, Company A.	James B. Whitmore.....	September 16, 1861.....	September 5, 1861.....	.....
Second Lieutenant, Company B.	William N. Rynerson.....	February 7, 1862.....	January 1, 1862.....	Promoted from First Sergeant Co. C, First Infantry.....
Second Lieutenant, Company C.	Lysander E. Hanson.....	February 26, 1862.....	February 26, 1862.....	.....
Second Lieutenant, Company D.	Dewitt C. Vestal.....	September 16, 1861.....	August 16, 1861.....	.....
Second Lieutenant, Company E.	.....	.....	.....	.....
Second Lieutenant, Company F.	Frederick A. Deane.....	June 23, 1862.....	April 28, 1862.....	Promoted from Private Co. I, First Infantry.....
Second Lieutenant, Company G.	Whitman B. Smith.....	September 16, 1861.....	August 16, 1861.....	.....
Second Lieutenant, Company H.	Erastus H. Wood.....	September 16, 1861.....	August 16, 1861.....	.....
Second Lieutenant, Company I.	Joseph T. Bennet.....	June 23, 1862.....	April 1, 1862.....	Promoted from Sergeant Co. G, First Infantry.....
Second Lieutenant, Company K.	Jeremiah Phelan.....	February 4, 1862.....	January 2, 1862.....	Citizen, served ten years as non-commissioned officer in Third Artillery, U. S.....

ROSTER OF CALIFORNIA VOLUNTEERS--Continued. SECOND INFANTRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Colonel.....	Francis J. Lippitt.....	September 7, 1861.....	August 24, 1861.....	.....
Lieutenant-Colonel.....	James N. Olney.....	September 7, 1861.....	August 24, 1861.....	.....
Major.....	James F. Curtis.....	September 7, 1861.....	August 24, 1861.....	.....
COMMISSIONED STAFF.				
Surgeon.....	Isaac Parry.....	October 8, 1861.....	October 8, 1861.....	.....
Assistant Surgeon.....	James Forsman.....	April 11, 1862.....	April 11, 1862.....	.....
Assistant Surgeon.....	John Flock.....	October 8, 1862.....	October 8, 1862.....	.....
First Lieutenant and Adjutant.....	John Hanna, Jr.....	November 14, 1861.....	November 5, 1861.....	.....
First Lieutenant and Regimental Quartermaster.....	William F. Swasey.....	September 12, 1861.....	August 24, 1861.....	.....
LINE.				
Captain, Company A.....	Henry Flynn.....	June 18, 1862.....	June 18, 1862.....	Promoted from First Lieut. Co. F, Second Infantry...
Captain, Company B.....	John C. Schmidt.....	September 7, 1861.....	September 5, 1861.....	.....
Captain, Company C.....	Michael O'Brian.....	September 26, 1861.....	September 20, 1861.....	.....
Captain, Company D.....	William E. Hull.....	October 10, 1861.....	September 27, 1861.....	.....
Captain, Company E.....	Eugene B. Gibbs.....	October 10, 1861.....	October 9, 1861.....	.....
Captain, Company F.....	William H. Short.....	November 16, 1861.....	October 21, 1861.....	.....
Captain, Company G.....	Charles D. Douglas.....	November 19, 1861.....	October 1, 1861.....	.....
Captain, Company H.....	William H. Stuart.....	November 19, 1861.....	October 9, 1861.....	.....
Captain, Company I.....	Edward Theller.....	November 22, 1861.....	October 25, 1861.....	.....
Captain, Company K.....	Charles Heffernan.....	November 30, 1861.....	November 1, 1861.....	.....
First Lieutenant, Company A.....	Chauncey P. Fairfield.....	November 4, 1862.....	October 2, 1862.....	Promoted from Second Lieut. Co. E, Second Infantry
First Lieutenant, Company B.....	Abraham B. Smith.....	November 4, 1862.....	October 1, 1862.....	Promoted from Second Lieut. Co. D, Second Infantry
First Lieutenant, Company C.....	James H. Stewart.....	September 26, 1861.....	September 20, 1861.....	.....
First Lieutenant, Company D.....	Parish B. Johnson.....	November 4, 1862.....	October 3, 1862.....	Promoted from Second Lieut. Co. F, Second Infantry
First Lieutenant, Company E.....	John H. Gonnison.....	April 19, 1862.....	April 10, 1862.....	Promoted from First Sergt. Co. E, Second Infantry..
First Lieutenant, Company F.....	John Monholland.....	November 16, 1861.....	October 21, 1861.....	.....
First Lieutenant, Company G.....	William H. Noyes.....	June 18, 1862.....	June 18, 1862.....	.....
First Lieutenant, Company H.....	Theodore Wetmore.....	November 19, 1861.....	October 9, 1861.....	Citizen appointment, recommended by Col. Lippitt...

Rank.	Name.	Date of Commission.	Date of Rank.	Remarks.
First Lieutenant, Company L...	Alfred Morton.....	January 8, 1862.....	January 1, 1862.....	Promoted from Qr.-Master-Sergt. Sec. Cavalry C. V..
First Lieutenant, Company K...	Charles G. Hubbard.....	November 30, 1861.....	November 1, 1861.....	.....
Second Lieutenant, Company A	John E. Hill.....	September 7, 1861.....	September 2, 1861.....	.....
Second Lieutenant, Company B	Gustavus A. Swasey.....	November 4, 1862.....	October 3, 1862.....	Citizen appointment, recommended by Col. Lippitt...
Second Lieutenant, Company C	Louis S. Lohse.....	June 23, 1862.....	June 21, 1862.....	Promoted from Private, First Infantry, C. V.....
Second Lieutenant, Company D	George M. Knickerbocker.....	November 1, 1862.....	October 1, 1862.....	Promoted from First Sergt. Co. H, Second Infantry..
Second Lieutenant, Company E	John M. Maloney.....	November 4, 1862.....	October 4, 1862.....	Promoted from First Sergt. Co. I, Second Infantry...
Second Lieutenant, Company F	.....	.....	.....	.....
Second Lieutenant, Company G	John J. Shepleard.....	March 7, 1862.....	March 7, 1862.....	.....
Second Lieutenant, Company H	William L. Campbell.....	April 15, 1862.....	April 15, 1862.....	Promoted from Commissary-Sergt. Sec. Cavalry C. V.
Second Lieutenant, Company I	William F. Robert Schindler.....	November 22, 1861.....	October 25, 1861.....	.....
Second Lieutenant, Company K	Theodore C. Winchell.....	November 4, 1862.....	October 2, 1862.....	Promoted from First Sergt. Co. D, Sec. Infantry C. V.

ROSTER OF CALIFORNIA VOLUNTEERS—Continued.

THIRD INFANTRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Colonel.....	Patrick Edward Connor.....	September 10, 1861.....	September 4, 1861.....	.....
Lieutenant-Colonel.....	Robert Pollock.....	December 28, 1861.....	December 12, 1861.....	Transferred from Major First Inf'ty, C. V., Sept. 4, 1861, to be Major Third Inf'ty, C. V. Promoted from Major Third Inf'ty, C. V.....
Major.....	Patrick A. Gallagher.....	December 28, 1861.....	December 12, 1861.....	.....
COMMISSIONED STAFF.				
Surgeon.....	Robert K. Reid.....	October 1, 1861.....	October 1, 1861.....	.....
Assistant Surgeon.....	Charles A. Kirkpatrick.....	October 15, 1861.....	October 1, 1861.....	.....
First Lieutenant.....	J. W. Brown.....	November 8, 1862.....	November 5, 1862.....	.....
First Lieutenant and Adjutant.....	James H. Stillman.....	September 17, 1861.....	September 4, 1861.....	.....
First Lieutenant and Regimental Quartermaster.....	Thomas B. Gateley.....	September 16, 1861.....	September 4, 1861.....	.....
LINE.				
Captain, Company A.....	Thomas E. Ketchum.....	October 16, 1861.....	October 10, 1861.....	.....
Captain, Company B.....	Jeremiah B. Moore.....	October 31, 1861.....	October 24, 1861.....	.....
Captain, Company C.....	John H. May.....	October 31, 1861.....	October 26, 1861.....	.....
Captain, Company D.....	William M. Johns.....	November 1, 1861.....	November 1, 1861.....	.....
Captain, Company E.....	Charles Tupper.....	November 9, 1861.....	November 3, 1861.....	.....
Captain, Company F.....	Ezraus Potts.....	November 16, 1861.....	November 12, 1861.....	.....
Captain, Company G.....	John B. Urmy.....	November 16, 1861.....	November 13, 1861.....	.....
Captain, Company H.....	David Black.....	November 20, 1861.....	November 14, 1861.....	.....
Captain, Company I.....	Micajah G. Lewis.....	November 20, 1861.....	November 13, 1861.....	.....
Captain, Company K.....	Samuel N. Hoyt.....	November 20, 1861.....	November 16, 1861.....	.....
First Lieutenant, Company A....	John Frederick Staples.....	October 16, 1861.....	October 10, 1861.....	.....
First Lieutenant, Company B....	Joseph C. Morrill.....	December 2, 1862.....	September 7, 1862.....	Promoted from Second Lt. Co. B, Third Infantry.
First Lieutenant, Company C....	William N. Allen.....	October 31, 1861.....	October 26, 1861.....	.....
First Lieutenant, Company D....	John D. Myers.....	December 2, 1862.....	October 26, 1862.....	Promoted from Second Lt. Co. D, Third Infantry.
First Lieutenant, Company E....	Josiah Hestner.....	December 26, 1861.....	December 7, 1861.....	.....
First Lieutenant, Company F....	Francis D. Todd.....	December 26, 1861.....	December 11, 1861.....	.....

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
First Lieutenant, Company G...	William L. Ustick.....	December 2, 1862	September 7, 1862	Promoted from Second Lt. Co. A, Third Inf'ty, C. V.
First Lieutenant, Company H...	Lyndner Washburn.....	December 26, 1861.....	December 12, 1861 .....	.....
First Lieutenant, Company L...	Willard Kittridge	December 26, 1861.....	November 26, 1861.....	.....
First Lieutenant, Company K...	Michael McDermott.....	December 26, 1861.....	December 3, 1861.....	.....
Second Lieutenant, Company A	Francis M. Griffin.....	December 2, 1862	September 7, 1862.....	Promoted from First Serg't Co. K, Third Inf'ty, C. V.
Second Lieutenant, Company B	Edward Ingham.....	December 2, 1862	September 7, 1862.....	Promoted from Serg't-Major, Third Infantry, C. V.
Second Lieutenant, Company C	William H. McMinn.....	March 29, 1862	March 27, 1862	Promoted from First Serg't Co. F, Third Inf'ty, C. V.
Second Lieutenant, Company D	Charles Billig.....	December 1, 1862	October 26, 1862.....	Promoted from First Serg't Co. D, Third Inf'ty, C. V.
Second Lieutenant, Company E	Stephen R. Joselyn.....	December 26, 1861.....	December 7, 1861.....	.....
Second Lieutenant, Company F	Lewis F. Grant.....	December 26, 1861.....	December 11, 1861.....	.....
Second Lieutenant, Company G	James Finerty.....	January 8, 1862.....	January 8, 1862.....	.....
Second Lieutenant, Company H	Francis M. Shoemaker.....	December 26, 1861.....	December 12, 1861.....	.....
Second Lieutenant, Company I	Francis Honeyman.....	December 26, 1861.....	November 26, 1861.....	.....
Second Lieutenant, Company K	Caleb Gilman.....	April 11, 1862	April 9, 1862	Promoted from First Serg't Co. K, Third Inf'ty, C. V.

ROSTER OF CALIFORNIA VOLUNTEERS—Continued. FOURTH INFANTRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Colonel.....	Ferris Forman.....	November 9, 1861.....	November 9, 1861.....	.....
Lieutenant-Colonel.....	Harvey Lee.....	September 10, 1861.....	September 6, 1861.....	.....
Major.....	Henry Hancock.....	September 16, 1861.....	September 6, 1861.....	.....
COMMISSIONED STAFF.				
Surgeon.....	Simeon S. Todd.....	March 8, 1862.....	March 12, 1862.....	Promoted from Assistant Surgeon, Sec. Inf'ty, C. V.
Assistant Surgeon.....	Edward A. Tompkins.....	October 15, 1861.....	September 27, 1861.....	.....
First Lieutenant and Adjutant.....	William Forrey.....	September 10, 1861.....	September 6, 1861.....	.....
First Lieutenant and Regimental Quartermaster.....	David J. Williamson.....	September 16, 1861.....	September 6, 1861.....	.....
LINE.				
Captain, Company A.....	Converse W. C. Rowell.....	September 26, 1861.....	September 21, 1861.....	.....
Captain, Company B.....	Jesse I. Fitch.....	October 10, 1861.....	September 28, 1861.....	.....
Captain, Company C.....	Benjamin R. West.....	October 16, 1861.....	October 5, 1861.....	.....
Captain, Company D.....	Lyman S. Scott.....	October 16, 1861.....	October 15, 1861.....	.....
Captain, Company E.....	John C. Crowninshield.....	November 19, 1861.....	October 10, 1861.....	.....
Captain, Company F.....	Allen W. Cullum.....	November 9, 1861.....	October 14, 1861.....	.....
Captain, Company G.....	Alfred S. Grant.....	November 23, 1861.....	October 19, 1861.....	.....
Captain, Company H.....	John M. Cass.....	April 7, 1862.....	April 7, 1862.....	Promoted from First Lieut. Co. H, Fourth Infantry.
Captain, Company I.....	Charles Atchison.....	January 2, 1862.....	October 9, 1861.....	.....
Captain, Company K.....	Augustus H. Hall.....	March 4, 1862.....	January 10, 1862.....	.....
First Lieutenant, Company A.....	Edgar W. Hillyer.....	September 26, 1861.....	September 21, 1861.....	.....
First Lieutenant, Company B.....	Alexander W. Copely.....	October 10, 1861.....	September 28, 1861.....	.....
First Lieutenant, Company C.....	Henry McCann.....	October 16, 1861.....	October 5, 1861.....	.....
First Lieutenant, Company D.....	James Garden.....	October 16, 1861.....	October 13, 1861.....	.....
First Lieutenant, Company E.....	Edward B. Blake.....	November 19, 1861.....	October 10, 1861.....	.....
First Lieutenant, Company F.....	James Evans.....	November 9, 1861.....	October 14, 1861.....	.....
First Lieutenant, Company G.....	Matthew Sherman.....	November 23, 1861.....	October 19, 1861.....	.....
First Lieutenant, Company H.....	Edward D. Tuttle.....	November 25, 1862.....	September 7, 1862.....	Promoted from Sec. Lieut. Co. A, Fourth Infantry.
First Lieutenant, Company I.....	Robert P. Nason.....	January 8, 1862.....	December 17, 1861.....	.....

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
First Lieutenant, Company K...	Jacob Austin.....	March 3, 1862.....	March 3, 1862.....	.....
Second Lieutenant, Company A	Joseph W. Seoby.....	December 1, 1862.....	November 25, 1862.....	Promoted from Serg't-Major, Fourth Infantry.
Second Lieutenant, Company B	Alonzo C. Haskell.....	October 10, 1861.....	September 28, 1861.....	.....
Second Lieutenant, Company C	James Fitzpatrick.....	June 23, 1862.....	June 21, 1862.....	Promoted from First Serg't, Co. A, Fourth Infantry.
Second Lieutenant, Company D	James Davison.....	October 16, 1861.....	October 15, 1861.....	.....
Second Lieutenant, Company E	.....	.....	.....	.....
Second Lieutenant, Company F	James A. Hale.....	December 11, 1861.....	October 14, 1861.....	.....
Second Lieutenant, Company G	George Haycock.....	November 25, 1861.....	October 19, 1861.....	.....
Second Lieutenant, Company H	Isaac H. Ball.....	December 11, 1861.....	November 1, 1861.....	.....
Second Lieutenant, Company I	John Oaks.....	January 8, 1862.....	December 17, 1861.....	.....
Second Lieutenant, Company K	Patrick Mundy.....	March 4, 1862.....	March 4, 1862.....	.....

ROSTER OF CALIFORNIA VOLUNTEERS—Continued. FIFTH INFANTRY, CALIFORNIA VOLUNTEERS.

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
FIELD.				
Colonel.....	George W. Bowie.....	November 9, 1861.....	November 8, 1861.....	.....
Lieutenant-Colonel.....	Theodore A. Coult.....	September 21, 1861....	September 12, 1861....	.....
COMMISSIONED STAFF.				
Surgeon.....	David Wooster.....	October 15, 1861.....	September 28, 1861....	.....
Assistant Surgeon.....	William H. McKee.....	October 15, 1861.....	September 30, 1861....	.....
Assistant Surgeon.....	V. H. Cox.....	September 30, 1862....	September 30, 1862....	.....
First Lieutenant and Adjutant.....	James A. Zabriskie.....	November 14, 1861....	November 13, 1861....	.....
First Lieutenant and Regimental Quartermaster.....	.....	.....	.....	.....
LINE.				
Captain, Company A.....	Joseph Smith.....	November 16, 1861....	October 30, 1861.....	.....
Captain, Company B.....	Charles A. Smith.....	November 16, 1861....	October 30, 1861.....	.....
Captain, Company C.....	John S. Thayer.....	November 16, 1861....	October 30, 1861.....	.....
Captain, Company D.....	William French.....	November 16, 1861....	October 30, 1861.....	.....
Captain, Company E.....	James H. Whitlock.....	November 16, 1861....	October 30, 1861.....	.....
Captain, Company F.....	Hugh L. Hinds.....	November 16, 1861....	October 30, 1861.....	.....
Captain, Company G.....	Thomas P. Chapman.....	August 27, 1862.....	July 1, 1862.....	Promoted from First Lieut. Co. A, Fourth Infantry..
Captain, Company H.....	Joseph Tuttle.....	January 2, 1862.....	December 26, 1861....	.....
Captain, Company I.....	Thomas T. Tidball.....	January 2, 1862.....	December 26, 1861....	.....
Captain, Company K.....	.....	.....	.....	.....
First Lieutenant, Company A.....	Thomas A. Young.....	December 3, 1861.....	November 30, 1861....	.....
First Lieutenant, Company B.....	Edwin B. Fink.....	November 16, 1861....	October 30, 1861.....	.....
First Lieutenant, Company C.....	Wilson L. Glasby.....	January 2, 1862.....	November 20, 1861....	.....
First Lieutenant, Company D.....	John F. Qualey.....	November 16, 1861....	October 30, 1861.....	.....
First Lieutenant, Company E.....	George A. Burkette.....	November 16, 1861....	October 30, 1861.....	.....
First Lieutenant, Company F.....	Benjamin H. Harrover.....	November 16, 1861....	October 30, 1861.....	.....
First Lieutenant, Company G.....	Samuel Staddon.....	March 12, 1862.....	March 8, 1862.....	Promoted from Sec. Lieut. Co. H, Fifth Infantry....

Rank.	Names.	Date of Commission.	Date of Rank.	Remarks.
First Lieutenant, Company I...	Fredrick A Morgan.....	January 2, 1862.....	November 30, 1861.....	.....
First Lieutenant, Company K...	Benjamin F. Bayley.....	January 2, 1862.....	December 26, 1861.....	.....
Second Lieutenant, Company A	William H. Higdon.....	January 2, 1862.....	December 26, 1861.....	.....
Second Lieutenant, Company B	John H. Hammond.....	January 2, 1862.....	November 30, 1861.....	.....
Second Lieutenant, Company C	John Slater.....	January 2, 1862.....	November 30, 1861.....	.....
Second Lieutenant, Company D	Gilbert C. Smith.....	January 18, 1862.....	January 9, 1862.....	.....
Second Lieutenant, Company E	John G. Slocum.....	January 2, 1862.....	November 30, 1861.....	.....
Second Lieutenant, Company F	Charles S. Whitney.....	December 3, 1861.....	November 30, 1861.....	.....
Second Lieutenant, Company G	James H. Toek.....	January 2, 1862.....	November 26, 1861.....	.....
Second Lieutenant, Company H	John Lambert.....	March 8, 1862.....	March 8, 1862.....	Promoted from Private Co. C, Second Cavalry, C. V.
Second Lieutenant, Company I	Thomas Buckley.....	January 2, 1862.....	December 26, 1861.....	.....
Second Lieutenant, Company K	George Dutton.....	January 18, 1862.....	January 14, 1862.....	.....

RANK AND FILE.—The names of all composing the rank and file would have been appended to this Roster, if the full complement of company rolls had been received at this office; as a few of them are still lacking, I am compelled to defer reporting this portion of the roll of honor until the delinquent rolls are furnished.

COMMISSIONS VACATED BY NEW APPOINTMENTS.

Rank.	Names.	Commission Vacated.	Date.
Brigadier-General.....	James H. Carleton.....	Commission as Colonel, First Infantry.....	April 28, 1862.....
Major.....	Andrew J. Smith, U. S. A.....	Commission as Colonel, Second Cavalry.....	November 13, 1861.....
Brigadier-General.....	Henry M. Judah.....	Commission as Colonel, Fourth Infantry.....	.....
Captain.....	John Kellogg, U. S. A.....	Commission as Colonel, Fifth Infantry.....	.....
Captain.....	Benjamin F. Davis, U. S. A.....	Commission as Lieutenant-Colonel, First Cavalry.....	November 1, 1861.....
Colonel.....	Columbus Sims.....	Commission as Lieutenant-Colonel, Second Cavalry.....	November 13, 1861.....
Colonel.....	Joseph R. West, First Infantry.....	Commission as Lieutenant-Colonel, First Infantry.....	April 28, 1862.....
Lieutenant-Colonel.....	George S. Evans, Second Cavalry.....	Commission as Major, Second Cavalry.....	November 12, 1861.....
Lieutenant-Colonel.....	Edwin A. Riggs, First Infantry.....	Commission as Major, Third Infantry.....	April 28, 1862.....
Lieutenant-Colonel.....	Robert Pollock, Third Infantry.....	Commission as Major, Third Infantry.....	December 12, 1861.....
Major.....	Charles McDermitt, Second Cavalry.....	Commission as Captain, Company M, Second Cavalry.....	November 13, 1861.....
Major.....	Edwin A. Riggs, First Infantry.....	Commission as Captain, Company A, First Infantry.....	September 5, 1861.....
Major.....	William McMullin, First Infantry.....	Commission as Captain, Company C, First Infantry.....	April 28, 1862.....
Captain.....	Chauncey R. Wellman, First Cavalry.....	Commission as Second Lieutenant, Company B, First Cavalry.....	April 1, 1862.....
Captain.....	Henry B. Mellen, Second Cavalry.....	Commission as First Lieutenant, Company C, Second Cavalry.....	September 10, 1861.....
Captain.....	Heman Noble, Second Cavalry.....	Commission as First Lieutenant, Company A, Second Cavalry.....	November 19, 1862.....
Captain.....	George F. Price, Second Cavalry.....	Commission as First Lieutenant, Company M, Second Cavalry.....	November 13, 1861.....
Captain.....	Edward B. Willis, First Infantry.....	Commission as First Lieutenant, Company A, First Infantry.....	September 5, 1861.....
Captain.....	Joseph P. Hargrave, First Infantry.....	Commission as First Lieutenant, Company F, First Infantry.....	April 28, 1862.....
Captain.....	Francis S. Mitchell, First Infantry.....	Commission as First Lieutenant, Company B, First Infantry.....	April 1, 1862.....
Captain.....	Lafayette Hammond, First Infantry.....	Commission as Regimental Quartermaster, First Infantry.....	July 11, 1862.....
Captain.....	Nicholas S. Davis, First Infantry.....	Commission as First Lieutenant, Company A, First Infantry.....	January 11, 1862.....
Captain.....	Henry Flynn, Second Infantry.....	Commission as First Lieutenant, Company F, Second Infantry.....	June 18, 1862.....
Captain.....	John M. Cass, Fourth Infantry.....	Commission as First Lieutenant, Company H, Fourth Infantry.....	April 7, 1862.....
Captain.....	Thomas P. Chapman, Fifth Infantry.....	Commission as First Lieutenant, Company A, Fifth Infantry.....	July 1, 1862.....
Captain.....	Charles Stewart Brooks, U. S. A.....	Commission as Captain, Company H, Fourth Infantry.....	April 3, 1862.....
Surgeon.....	Simcon S. Todd, Fourth Infantry.....	Commission as Assistant Surgeon, Second Infantry.....	March 12, 1862.....
Captain.....	Wm. Gouverneur Morris, Asst. Q. M. U. S. A.....	Commission as First Lieutenant and Adjutant, Second Cavalry.....	June 27, 1862.....
First Lieutenant.....	Heman Noble, Second Cavalry.....	Commission as Second Lieutenant, Company A, Second Cavalry.....	May 21, 1862.....
First Lieutenant.....	Augustus W. Starr, Second Cavalry.....	Commission as Second Lieutenant, Company F, Second Cavalry.....	July 23, 1862.....
First Lieutenant.....	Joy H. Napier, Second Cavalry.....	Commission as Second Lieutenant, Company I, Second Cavalry.....	November 24, 1862.....
First Lieutenant.....	Nicholas S. Davis, First Infantry.....	Commission as Second Lieutenant, Company A, First Infantry.....	September 5, 1861.....
First Lieutenant.....	Richard S. Barrett, First Infantry.....	Commission as Second Lieutenant, Company I, First Infantry.....	April 1, 1862.....
First Lieutenant.....	Edward G. Taylor, First Infantry.....	Commission as Second Lieutenant, Company F, First Infantry.....	April 28, 1862.....
First Lieutenant.....	George H. Pettis, First Infantry.....	Commission as Second Lieutenant, Company B, First Infantry.....	January 1, 1862.....

Rank.	Names.	Commission Vacated.	Date.
First Lieutenant.....	Robert M. Crandall, First Infantry.....	Commission as Second Lieutenant, Company C, First Infantry.....	February 26, 1862.....
First Lieutenant.....	Chauncey P. Fairfield, Second Infantry..	Commission as Second Lieutenant, Company E, Second Infantry...	October 2, 1862.....
First Lieutenant.....	Abraham B. Smith, Second Infantry.....	Commission as Second Lieutenant, Company D, Second Infantry...	October 1, 1862.....
First Lieutenant.....	Parish B. Johnson, Second Infantry.....	Commission as Second Lieutenant, Company F, Second Infantry...	October 3, 1862.....
First Lieutenant.....	Joseph C. Morrill, Third Infantry.....	Commission as Second Lieutenant, Company B, Third Infantry....	September 7, 1862.....
First Lieutenant.....	John D. Myers, Third Infantry.....	Commission as Second Lieutenant, Company D, Third Infantry....	October 26, 1862.....
First Lieutenant.....	William L. Ustick, Third Infantry.....	Commission as Second Lieutenant, Company A, Third Infantry....	September 7, 1862.....
First Lieutenant.....	Edward D. Tuttle, Fourth Infantry.....	Commission as Second Lieutenant, Company A, Fourth Infantry...	September 7, 1862.....
First Lieutenant.....	Samuel Staddon, Fifth Infantry.....	Commission as Second Lieutenant, Company H, Fifth Infantry....	March 8, 1862.....

CASUALTIES.

RESIGNATIONS.

Rank and Name.	Company.	Regiment.	Date.
Lieutenant-Colonel Edward E. Eyre.....	.....	First Cavalry.....	Nov. 30, 1862.....
Lieutenant-Colonel George P. Ihrie.....	.....	Third Infantry.....	Dec. 12, 1861.....
Lieutenant-Colonel Marcus D. Dobbins.....	.....	Fifth Infantry.....	Oct. 31, 1862.....
Captain William Singer.....	Company D.....	First Cavalry.....	Feb. 14, 1862.....
Captain William C. Mead.....	Company E.....	First Cavalry.....	March 31, 1862...
Captain Edwin A. Rowe.....	Company A.....	Second Cavalry...	Oct. 10, 1862.....
Captain David B. Akey.....	Company E.....	Second Cavalry...	Nov. 30, 1862.....
Captain Richard J. Falls.....	Company C.....	Second Cavalry...	Oct. 25, 1861.....
Captain Theodore H. Goodman.....	Company G.....	Second Cavalry...	When relieved of command of Fort Independence.
Captain Hugh A. Gorley.....	Company D.....	First Infantry.....	March 31, 1862...
Captain Washington L. Parvin.....	Company F.....	First Infantry.....	.....
Captain Bernard J. McMahon.....	Company H.....	First Infantry.....	November 1, 1861.
Captain Thomas Cox.....	Company H.....	First Infantry.....	July 10, 1862.....
Captain Charles W. Smith.....	Company A.....	Second Infantry...	June 10, 1862.....
Captain Sylvester Soper.....	Company H.....	Fifth Infantry.....	June 30, 1862.....
Captain Silas P. Ford.....	Company E.....	Fifth Infantry.....	When Special Order 192 reaches Tucson, Arizona.
First Lieutenant and Adjutant Benjamin C. Cutler*.....	.....	First Infantry.....	August 6, 1862...
First Lieutenant and Adjutant James H. Lambert.....	.....	Second Infantry...	November 5, 1861.
First Lieutenant and Regimental Quarter- master Ignatus S. Jenkins.....	.....	Second Cavalry...	July 19, 1862.....
First Lieutenant Matthew H. Marshland.....	Company C.....	Second Cavalry...	October 31, 1862..
First Lieutenant Ira Buffum.....	Company G.....	Second Cavalry...	June 15, 1862.....
First Lieutenant Merrill E. West.....	Company H.....	Second Cavalry...	October 14, 1861..
First Lieutenant William H. Chipman.....	Company H.....	Second Cavalry...	March 31, 1862...
First Lieutenant George McDonald.....	Company I.....	Second Cavalry...	May 1, 1862.....
First Lieutenant Merrill Savage.....	Company G.....	First Infantry.....	.....
First Lieutenant Thomas B. Campbell.....	Company B.....	Second Infantry...	October 1, 1862...
First Lieutenant John H. Brady.....	Company E.....	Second Infantry...	March 14, 1862...
First Lieutenant George W. Harris.....	Company I.....	Second Infantry...	.....
First Lieutenant Thomas S. Bridges.....	Company B.....	Third Infantry.....	Sept. 15, 1862.....
First Lieutenant Joseph Anderson.....	Company D.....	Third Infantry.....	October 25, 1862..
First Lieutenant George F. Bradley.....	Company G.....	Third Infantry.....	May 13, 1862.....
Second Lieutenant James M. Silley.....	Company C.....	First Cavalry.....	Sept. 22, 1861.....
Second Lieutenant Nathaniel P. Pierce.....	Company G.....	Second Cavalry...	June 15, 1862.....
Second Lieutenant Allen H. Bewley.....	Company H.....	Second Cavalry...	August 27, 1862...
Second Lieutenant William A. Oliver.....	Company I.....	Second Cavalry...	June 1, 1862.....
Second Lieutenant Joseph M. Woodworth.....	Company M.....	Second Cavalry...	April 18, 1862....
Second Lieutenant John S. Hunter.....	Company E.....	First Infantry.....	Dec. 18, 1862.....
Second Lieutenant Thomas J. Wilson.....	Company H.....	Second Infantry...	March 31, 1862...
Second Lieutenant John W. Gaston.....	Company G.....	Second Infantry...	March 1, 1862.....
Second Lieutenant John J. Dobbins.....	Company K.....	Second Infantry...	October 1, 1862...
Second Lieutenant Richard W. Stapleton.....	Company C.....	Third Infantry.....	March 15, 1862...
Surgeon Stephen F. Elliott†.....	.....	Fourth Infantry...	March 11, 1862...

* Assistant Adjutant-General, staff of General Carlton.

† In service as Surgeon at the seat of war.

DIED.

Rank and Name.	Company.	Regiment.	When Died.
Captain James Winne	Company G....	Second Cavalry...	May, 1862....
Captain Frank M. Kelley.....	Company I....	Second Cavalry...	October 7, 1861...
First Lieutenant Frederick D. McDougal.....	Company A....	Second Infantry ..	March 14, 1862 ...
First Lieutenant Joseph B. Wing	Company D....	Second Infantry ..	March 21, 1862...

KILLED IN ACTION.

Rank and Name.	Company.	Regiment.	When Killed.
Second Lieutenant James Barrett.....	Company A....	First Cavalry	April 15, 1862.....

DROPPED.

Rank and Name.	Company.	Regiment.	When Dropped.
Second Lieutenant John M. Henry.....	Company C....	Second Infantry ..	May 9, 1862.....
Second Lieutenant Albert Ripley.....	Company K....	Third Infantry....	April 9, 1862

DISMISSED.

Rank and Name.	Company.	Regiment.	When Dismissed.
First Lieutenant and Regimental Quartermaster Alonzo C. Wakeman.....	.....	Fifth Infantry....	March 3, 1862.....
Second Lieutenant Grove Watson.	Company B....	Second Infantry...	Sept. 17, 1862*...

* Special Orders No. 245, War Department.

DESERTED.

Rank and Name.	Company.	Regiment.	When Deserted.
Second Lieutenant Charles Backer.....	Company G....	Third Infantry....	December, 1861...
Second Lieutenant Harvey O. Young.....	Company C....	Fourth Infantry...	April 14, 1862....

DECLINED.

Rank and Name.	Company.	Regiment.	When Declined.
Major Edwin V. Sumner, Commissioned Sept. 12, 1861.....	.....	Second Cavalry....	.....
William Moore, Commissioned as First Lieutenant.....	Company A....	First Infantry.....	March 19, 1862...
Henry R. Miller, Commissioned as Second Lieutenant.....	Company G....	Second Cavalry...	June 23, 1862.....

CANCELLED.

Commission Cancelled.	Company.	Regiment.	When Cancelled.
The Commission of Captain William Moore...	Company K ...	First Infantry.....	Feb. 18, 1862.....

TRANSFERRED.

Name and Rank.	Commissioned for.	Transferred to.
Major Robert Pollock.....	First Infantry, Aug 26, 1861..	Third Infantry, Sept 4, 1861...
First Lieutenant and Regimental Quartermaster, Thomas F. Wright,	Second Cavalry, Oct. 2, 1861..	First Lieutenant Company M, Sec. Cavalry, Nov. 13, 1861.

REMARKS.

There have been forty-two resignations, three dismissals, and two desertions, of officers in the California Contingent, or nearly one fifth required to officer the whole command. Two or three have resigned to get into active service at the seat of war, and a like number on account of ill-health, and a few others on account of rank, or for some seeming good reason to themselves; but for the majority, no good reason can be given. That persons destitute of the requisite qualifications for military trust or responsibility, or of an inclination to advance themselves or their commands, should accept and occupy positions which competent men—men who entered the service solely for its good alone—should fill, and then abandon the same, is a state of things from which the Government and the soldier deeply suffer. This has resulted mainly from the exercise of the elective principle as applied to the original organizations, and of carrying into appointments the consideration of personal preferences, ignoring fitness and fidelity. No man is compelled to accept a commission in the service; it is his own voluntary act, and all results ensuing from it are legitimately chargeable to his individual account. Had the officers been as faithful to the service as they were zealous in obtaining commissions in it, we might have presented a more favorable record of this our common misfortune. We turn with pleasure from this to another and a larger class, who weary not in well doing. While those who have received promotion should have our congratulation upon their success, no less worthy of commendation are the field officers, Captains and subalterns, who still continue to occupy the positions in which they entered the service—whose commands are well known, and distinguished for discipline, soldierly deportment, and sobriety. One such regiment possesses an *esprit de corps* which gives it the efficiency of two that are subject to the changes in field and company officers.

ROSTER OF THE MILITARY FORCE

OF

THE STATE OF CALIFORNIA,

FOR THE YEAR 1862.

ROSTER OF THE MILITARY FORCE OF THE STATE OF CALIFORNIA FOR THE YEAR 1862.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
COMMANDER-IN-CHIEF.					
His Excellency Leland Stanford.....	.....	.....	.....	.....	.....
ADJUTANT-GENERAL.					
<i>And ex-officio Chief of Staff, Quarter-</i>					
<i>master-General, Commissary-General,</i>					
<i>Inspector-General, and Chief of Ord-</i>					
<i>nance—</i>					
William C. Kibbe.....	April 24, 1862.....	May, 1862.....	.....	Sacramento.....	.....
STAFF OF THE COMMANDER-IN-CHIEF.					
<i>Chief Engineer.</i>					
C. A. Crane.....	August 30, 1862.....	August 30, 1862.....	Colonel.....	San Francisco.....	.....
<i>Judge Advocate.</i>					
D. W. Welty.....	September 2, 1862.....	September 2, 1862.....	Colonel.....	Sacramento.....	.....
<i>Priguaster.</i>					
A. P. Stanford.....	August 28, 1862.....	August 28, 1862.....	Colonel.....	San Francisco.....	.....
<i>Surgeon-General.</i>					
B. A. Sheldon.....	August 20, 1862.....	August 30, 1862.....	Colonel.....	San Francisco.....	.....
<i>Aides-de-camp.</i>					
James F. Kennedy.....	August 30, 1862.....	August 30, 1862.....	Lieutenant-Colonel.....	San José.....	.....
Ambrose E. Hooker.....	August 30, 1862.....	August 30, 1862.....	Lieutenant-Colonel.....	Columbia.....	.....
MAJOR-GENERAL.					
Lucius H. Allen.....	April 24, 1862.....	April 24, 1862.....	.....	San Francisco.....	.....
MAJOR-GENERAL'S STAFF.					
<i>Assistant Adjutant-General.</i>					
Dewitt C. Thompson.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	* Residence.	Remarks.
<i>Brigade Inspector.</i>					
S. O. Houghton.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San José.....	.....
<i>Quartermaster.</i>					
J. H. Stearns.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Commissary.</i>					
A. H. Houston.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Engineer Officer.</i>					
A. W. Von Schmidt.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Ordnance Officer.</i>					
Robert Simpson.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Paymaster.</i>					
D. Norcross.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Judge Advocate.</i>					
J. W. Brummagin.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Surgeon.</i>					
H. M. Gray.....	June 16, 1862.....	June 14, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Aides-de-camp.</i>					
Theodore A. Mudge.....	June 16, 1862.....	June 14, 1862.....	Major.....	San Francisco.....	.....
Samuel P. Middleton.....	June 16, 1862.....	June 14, 1862.....	Major.....	San Francisco.....	.....
BRIGADIER-GENERAL.					
<i>First Brigade.</i>					
Romualdo Pacheco.....	April 25, 1862.....	April 25, 1862.....	.....	San Luis Obispo..	.....
BRIGADE STAFF.					
<i>Assistant Adjutant-General.</i>					
William P. Reynolds.....	September 2, 1862.....	August 9, 1862.....	Major.....	Los Angeles.....	.....
<i>Brigade Inspector.</i>					
Jacobo P. Leese.....	September 2, 1862.....	August 9, 1862.....	Major.....	Monterey.....	.....
<i>Quartermaster.</i>					
Alfred Robinson.....	September 2, 1862.....	August 9, 1862.....	Major.....	Santa Barbara.....	.....
<i>Commissary.</i>					
George T. Barber.....	September 2, 1862.....	August 9, 1862.....	Major.....	Los Angeles.....	.....
<i>Engineer Officer.</i>					
William H. Leighton.....	October 2, 1862.....	September 27, 1862.....	Major.....	San Buenaventura	.....
<i>Ordnance Officer.</i>					
José Antonio Jimeno.....	September 2, 1862.....	August 9, 1862.....	Major.....	Santa Barbara.....	.....

ROSTER OF THE MILITARY FORCE—Continued.

Names.	Date of Commission.	Date of Rank.	* Rank.	Residence.	Remarks.
<i>Judge Advocate.</i>					
Mariano Malarin.....	September 2, 1862.....	August 9, 1862.....	Major.....	Monterey.....	.....
<i>Paymaster.</i>					
Ramon Hill.....	September 2, 1862.....	August 9, 1862.....	Major.....	Santa Barbara.....	.....
<i>Surgeon.</i>					
Juan Ignacio Cot.....	October 2, 1862.....	September 27, 1862.....	Major.....	Monterey.....	.....
<i>Aid-de-camp.</i>					
Charles H. Dana.....	September 2, 1862.....	August 9, 1862.....	Captain.....	San Luis Obispo..	.....
<i>Staff Orderlies.</i>					
Charles Vincent.....	.....	.....	Sergeant-Major.....	Los Angeles.....	.....
Charles Romie.....	.....	.....	Sergeant-Major.....	San Luis Obispo..	.....
BRIGADIER-GENERAL.					
<i>Second Brigade.</i>					
John S. Ellis.....	April 23, 1862.....	April 23, 1862.....	.....	San Francisco.....	.....
BRIGADE STAFF.					
<i>Assistant Adjutant-General.</i>					
Sam. Claudius Ellis.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Brigade Inspector.</i>					
John Hill.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Quartermaster.</i>					
George H. Smiley.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Commissary.</i>					
Charles S. Eigenbrodt.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Engineer Officer.</i>					
Henry Hasbach.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Ordnance Officer.</i>					
John Hewston, Jr.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Paymaster.</i>					
John A. Clark.....	September 27, 1862.....	September 10, 1862.....	Major.....	San Francisco.....	.....
<i>Judge Advocate.</i>					
William Harvey.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....
<i>Surgeon.</i>					
Samuel R. Gerry.....	May 12, 1862.....	May 12, 1862.....	Major.....	San Francisco.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Aid-de-camp.</i> John T. Hill.....	May 12, 1862.....	May 12, 1862.....	Captain.....	San Francisco.....	.....
FIELD AND STAFF OF THE FIRST REGIMENT. <i>Second Brigade.</i> FIELD. Colonel.					
Joseph Wood.....	July 21, 1862.....	June 9, 1862.....	Colonel.....	San Francisco.....	.....
<i>Lieutenant-Colonel.</i> R. P. Lewis.....	December 15, 1862.....	November 25, 1862.....	Lieutenant-Colonel.....	San Francisco.....	Promoted from Major.....
<i>Major.</i> Peter Sesser.....	December 15, 1862.....	November 25, 1862.....	Major.....	San Francisco.....	Promoted from Captain Co. G, [First Regiment.....
STAFF. <i>Acting Adjutant.</i> Edwin Lewis.....			Acting Adjutant.....	San Francisco.....	.....
<i>Acting Surgeon.</i> Joseph Haine.....			Acting Surgeon.....	San Francisco.....	.....
<i>Sergeant-Major.</i> Charles H. Webster.....			Sergeant-Major.....	San Francisco.....	.....
COMPANIES. <i>Company A—First California Guard, Light Battery.</i> J. Bluxome, Jr.....	October 3, 1861.....	October 3, 1861.....	Captain.....	San Francisco.....	.....
John W. Sim.....	November 25, 1862.....	November 4, 1862.....	First Lieutenant.....	San Francisco.....	.....
George Osgood.....	September 27, 1862.....	September 2, 1862.....	Junior First Lieutenant.....	San Francisco.....	.....
Charles M. Kime.....	September 27, 1862.....	September 2, 1862.....	Second Lieutenant.....	San Francisco.....	.....
<i>Company B—City Guard.</i> W. C. Little.....	September 2, 1862.....	August 8, 1862.....	Captain.....	San Francisco.....	.....
F. W. Macendray, Jr.....	September 2, 1862.....	August 8, 1862.....	First Lieutenant.....	San Francisco.....	.....
R. M. Noyes.....	September 2, 1862.....	August 8, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
John Hoyt.....	September 2, 1862.....	August 8, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....

ROSTER OF THE MILITARY FORCE—Continued.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Company C—National Guard.</i>					
G. B. Adams.....	July 21, 1862.....	July 14, 1862.....	Captain.....	San Francisco.....	.....
Benjamin Pratt.....	January 8, 1862.....	January 3, 1862.....	First Lieutenant.....	San Francisco.....	.....
Charles J. Willey.....	July 21, 1862.....	July 14, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
E. Lewis.....	January 8, 1862.....	January 3, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	Acting Adjutant.....
<i>Company D—San Francisco Hussars.</i>					
Charles H. Seymour.....	November 14, 1862.....	October 19, 1861.....	Captain.....	San Francisco.....	.....
Jacob Struble.....	November 14, 1862.....	October 29, 1862.....	First Lieutenant.....	San Francisco.....	.....
John S. Carter.....	November 14, 1862.....	October 29, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
F. H. Larkin.....	November 14, 1862.....	October 29, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company E—California Fusiliers.</i>					
F. G. E. Tittle.....	February 6, 1862.....	December 9, 1861.....	Captain.....	San Francisco.....	.....
J. Obenauer.....	February 6, 1862.....	December 9, 1861.....	First Lieutenant.....	San Francisco.....	.....
R. Minns.....	February 6, 1862.....	December 9, 1861.....	Sen. Second Lieutenant.....	San Francisco.....	.....
H. N. Walter.....	February 6, 1862.....	December 9, 1861.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company F—San Francisco Light Guard.</i>					
Rufus W. Smith.....	September 23, 1861.....	September 5, 1861.....	Captain.....	San Francisco.....	.....
S. McCullough.....	September 23, 1861.....	September 5, 1861.....	First Lieutenant.....	San Francisco.....	.....
Ira Cook.....	May 7, 1862.....	January 7, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
Edward Packard.....	May 7, 1862.....	January 7, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company G—Siegel Guard Rifles.</i>					
Peter Sesser.....	September 28, 1861.....	September 23, 1861.....	Captain.....	San Francisco.....	Promoted November 25, 1862
Anton Ewald.....	September 27, 1862.....	September 17, 1862.....	First Lieutenant.....	San Francisco.....	.....
Charles Gozer.....	September 28, 1861.....	September 23, 1861.....	Sen. Second Lieutenant.....	San Francisco.....	.....
W. Wagner.....	September 27, 1862.....	September 17, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company H—French Carbineers.</i>					
G. Gailhard.....	November 25, 1862.....	October 16, 1862.....	Captain.....	San Francisco.....	.....
L. Tridon.....	November 25, 1862.....	October 16, 1862.....	First Lieutenant.....	San Francisco.....	.....
E. Antoine.....	November 25, 1862.....	October 16, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
F. Girard.....	November 25, 1862.....	October 16, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Company I—Sawyer Home Guard.</i>					
Thomas B. Lutton.....	October 15, 1862.....	October 14, 1861.....	Captain.....	San Francisco.....	.....
A. Mozer.....	October 15, 1862.....	October 6, 1862.....	First Lieutenant.....	San Francisco.....	.....
R. W. Thompson.....	October 15, 1862.....	October 14, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
A. B. Wood.....	October 15, 1862.....	October 6, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company K—Ellsworth Rifles.</i>					
C. E. S. McDonald.....	October 24, 1861.....	October 22, 1861.....	Captain.....	San Francisco.....	.....
C. C. Keene.....	November 14, 1862.....	October 29, 1862.....	First Lieutenant.....	San Francisco.....	.....
G. Wood.....	November 14, 1862.....	October 29, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
M. Reynolds.....	November 14, 1862.....	October 29, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
FIELD AND STAFF OF THE SECOND REGIMENT.					
<i>Second Brigade.</i>					
FIELD.					
Thomas N. Cazneau.....	December 16, 1862.....	December 9, 1862.....	Colonel.....	San Francisco.....	.....
M. C. Smith.....	December 16, 1862.....	December 9, 1862.....	Lieutenant-Colonel.....	San Francisco.....	.....
.....
MAJOR.					
.....
COMMISSIONED STAFF.					
.....
Thomas Callan.....	.....	.....	Acting Adjutant.....	San Francisco.....	.....
NON-COMMISSIONED STAFF.					
William Burton.....	.....	.....	Sergeant-Major.....	San Francisco.....	.....
William Miller.....	.....	.....	Quartermaster-Sergeant.....	San Francisco.....	.....
Alexander Kidd.....	.....	.....	Band Master.....	San Francisco.....	.....
COMPANIES.					
<i>Company A—Montgomery Guard.</i>					
James T. Hyde.....	October 18, 1862.....	October 10, 1862.....	Captain.....	San Francisco.....	.....
Charles Quinn.....	April 26, 1862.....	March 4, 1862.....	First Lieutenant.....	San Francisco.....	.....
William Lee.....	April 26, 1862.....	March 4, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
Anthony Durkin.....	December 15, 1862.....	December 5, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....

ROSTER OF THE MILITARY FORCE—Continued

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Company B—McMahon Guards.</i>					
George T. Enix.....	November 23, 1861.....	November 7, 1861.....	Captain.....	San Francisco.....	.....
James McCreath.....	November 26, 1861.....	November 7, 1861.....	First Lieutenant.....	San Francisco.....	.....
William F. Burke.....	April 26, 1862.....	February 10, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
William Barnes.....	November 26, 1861.....	November 7, 1861.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company C—Shields Guard.</i>					
P. F. Ryan.....	January 8, 1862.....	January 3, 1862.....	Captain.....	San Francisco.....	.....
P. O'Brien.....	November 23, 1862.....	November 10, 1862.....	First Lieutenant.....	San Francisco.....	.....
J. C. Baldwin.....	November 25, 1862.....	November 10, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
H. W. McKinlay.....	November 25, 1862.....	November 10, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company D—Waf' Tour Guard.</i>					
Archibald Watson.....	May 21, 1862.....	May 12, 1862.....	Captain.....	San Francisco.....	.....
Martin Keogh.....	December 16, 1862.....	December 12, 1862.....	First Lieutenant.....	San Francisco.....	.....
Dennis Deneally.....	December 16, 1862.....	December 12, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
Cornelius J. Barron.....	February 27, 1862.....	February 15, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company E—Irish Larinichles.</i>					
Michael Cady.....	December 15, 1862.....	December 5, 1862.....	Captain.....	San Francisco.....	.....
Patrick Creighton.....	May 21, 1862.....	May 17, 1862.....	First Lieutenant.....	San Francisco.....	.....
M. W. Higgins.....	May 21, 1862.....	May 17, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
Robert W. Dowling.....	August 30, 1862.....	August 15, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company F—Emmet Rifles.</i>					
T. F. Bayless.....	May 27, 1862.....	May 20, 1862.....	Captain.....	Petaluma.....	.....
Kelly Tighe.....	December 23, 1861.....	December 18, 1861.....	First Lieutenant.....	Petaluma.....	.....
John Cavanaugh.....	December 23, 1861.....	December 18, 1861.....	Jun. Second Lieutenant.....	Petaluma.....	.....
<i>Company G—Benicia Guard.</i>					
T. G. McDonald.....	July 8, 1862.....	June 21, 1862.....	Captain.....	Benicia.....	.....
B. J. McVee.....	July 8, 1862.....	June 21, 1862.....	First Lieutenant.....	Benicia.....	.....
Lawrence O'Flaherty.....	July 8, 1862.....	June 21, 1862.....	Sen. Second Lieutenant.....	Benicia.....	.....
Lawrence J. Ryan.....	July 8, 1862.....	June 21, 1862.....	Jun. Second Lieutenant.....	Benicia.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Company H—Linnet Life Guard.</i>					
Mitchell Connan.....	November 20, 1862.....	November 18, 1862.....	Captain.....	San Francisco.....	.....
Patrick Hendling.....	November 20, 1862.....	November 18, 1862.....	First Lieutenant.....	San Francisco.....	.....
Thomas O'Neal.....	November 20, 1862.....	November 18, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
John O'Brien.....	November 20, 1862.....	November 18, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Ennet Engineers, (Volunteer Detachment.)</i>					
James Love, Commanding.....	June 3, 1862.....	May 24, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
FIELD AND STAFF OF THE FIRST INFANTRY BATTALION. <i>Second Brigade.</i>					
<i>Lieutenant-Colonel.</i>					
John W. McKenzie.....	.....	May 18, 1861.....	Lieutenant-Colonel.....	San Francisco.....	.....
<i>Surgeon.</i>					
H. H. Thrall.....	September 2, 1862.....	August 8, 1862.....	Surgeon.....	San Francisco.....	.....
COMPANIES.					
<i>Company A—Union Guard.</i>					
William R. Gotham.....	December 16, 1861.....	May 27, 1861.....	Captain.....	San Francisco.....	.....
James E. Nathan.....	December 16, 1861.....	December 3, 1861.....	First Lieutenant.....	San Francisco.....	.....
E. B. Vreeland.....	December 16, 1861.....	December 3, 1861.....	Sen. Second Lieutenant.....	San Francisco.....	.....
John Strathman.....	December 16, 1861.....	December 3, 1861.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company B—Ellsworth Guard, (Zouave.)</i>					
Harvey Lake.....	July 3, 1862.....	June 18, 1862.....	Captain.....	San Francisco.....	.....
George W. Birdsall.....	.....	.....	First Lieutenant.....	.....	.....
.....	September 2, 1862.....	June 18, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
.....	.....	.....	Jun. Second Lieutenant.....	.....	.....
<i>Company C—Oakland Home Guard.</i>					
James Brown.....	September 28, 1861.....	August 31, 1861.....	Captain.....	San Francisco.....	.....
H. N. Morse.....	September 3, 1862.....	August 30, 1862.....	First Lieutenant.....	San Francisco.....	.....
H. Hiltelbrand.....	September 3, 1862.....	August 30, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
J. Tyrell.....	September 3, 1862.....	August 30, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....

ROSTER OF THE MILITARY FORCE—Continued.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Company D—Washington Light Infantry.</i>					
James B. Storer.....	January 30, 1862.....	January 23, 1862.....	Captain.....	San Francisco.....	.....
R. D. Smith.....	June 7, 1862.....	May 27, 1862.....	First Lieutenant.....	San Francisco.....	.....
K. F. Weymeier.....	June 7, 1862.....	May 27, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
A. Merritt.....	June 7, 1862.....	May 27, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company E—Franklin Light Infantry.</i>					
John McComb.....	September 5, 1861.....	August 31, 1861.....	Captain.....	San Francisco.....	.....
Duane M. Greene.....	October 15, 1862.....	October 6, 1862.....	First Lieutenant.....	San Francisco.....	.....
John T. Barry.....	October 15, 1862.....	October 6, 1862.....	Sen. Second Lieutenant.....	San Francisco.....	.....
J. W. Wilkinson.....	October 15, 1862.....	March 28, 1862.....	Jun. Second Lieutenant.....	San Francisco.....	.....
<i>Company F—Santa Clara Light Infantry.</i>					
A. Jones Jackson.....	September 28, 1861.....	August 1, 1861.....	Captain.....	Santa Clara.....	.....
George H. Parsons.....	September 27, 1862.....	August 6, 1862.....	First Lieutenant.....	Santa Clara.....	.....
W. A. Chandler.....	September 27, 1862.....	August 6, 1862.....	Sen. Second Lieutenant.....	Santa Clara.....	.....
H. D. Mentor.....	September 27, 1862.....	August 6, 1862.....	Jun. Second Lieutenant.....	Santa Clara.....	.....
COMPANIES UNATTACHED.					
<i>Vallejo Rifles.</i>					
Frank Drake.....	October 29, 1862.....	October 13, 1862.....	Captain.....	Vallejo.....	.....
L. W. Bean.....	October 29, 1862.....	October 13, 1862.....	First Lieutenant.....	Vallejo.....	.....
James H. R. Barber.....	September 28, 1861.....	September 8, 1861.....	Sen. Second Lieutenant.....	Vallejo.....	.....
A. S. Campbell.....	October 29, 1862.....	October 13, 1862.....	Jun. Second Lieutenant.....	Vallejo.....	.....
<i>Union Guard. (San José.)</i>					
J. J. Owen.....	September 2, 1862.....	July 28, 1862.....	Captain.....	San José.....	.....
Alonzo B. Hamilton.....	September 2, 1862.....	July 28, 1862.....	First Lieutenant.....	San José.....	.....
Charles P. Crittenden.....	October 26, 1861.....	October 5, 1861.....	Sen. Second Lieutenant.....	San José.....	.....
Gustavus Brohaska.....	October 26, 1861.....	October 5, 1861.....	Jun. Second Lieutenant.....	San José.....	.....
<i>First Light Dragoons.</i>					
J. Sewell Reed.....	July 1, 1862.....	June 25, 1862.....	Captain.....	San Francisco.....	.....
David Moore.....	July 1, 1862.....	June 25, 1862.....	First Lieutenant.....	San Francisco.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
S. H. Tyler..... John E. Hickburn.....	July 1, 1862..... July 1, 1862.....	June 25, 1862..... June 25, 1862.....	Sen. Second Lieutenant..... Jun. Second Lieutenant.....	San Francisco..... San Francisco.....	..... .....
<i>Petaluma Guard.</i>					
P. B. Hewlett..... William H. Hartman..... H. H. Hannan.....	May 20, 1862..... May 20, 1862..... June 27, 1861.....	April 5, 1862..... February 11, 1862..... February 11, 1861.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Petaluma..... Petaluma..... Petaluma..... Petaluma.....	..... ..... ..... .....
<i>Napa Guard.</i>					
Chancellor Hartson..... William W. Stillwagon..... Joseph Green..... James A. Hopkins.....	December 10, 1861..... December 10, 1861..... December 10, 1861..... December 10, 1861.....	November 20, 1861..... November 20, 1861..... November 20, 1861..... November 20, 1861.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Napa City..... Napa City..... Napa City..... Napa City.....	..... ..... ..... .....
<i>San José Zouaves.</i>					
George H. Hare..... C. L. Yates..... A. W. White..... C. H. Pomeroy.....	October 11, 1862..... October 11, 1862..... October 11, 1862..... October 11, 1862.....	September 30, 1862..... September 30, 1862..... September 30, 1862..... September 30, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	San José..... San José..... San José..... San José.....	..... ..... ..... .....
<i>Washington Guards.</i>					
W. A. Eliason..... O. F. Baldwin..... H. T. Hewitt..... W. W. Bostwick.....	October 24, 1862..... October 24, 1862..... October 24, 1862..... October 24, 1862.....	October 1, 1862..... October 1, 1862..... October 1, 1862..... October 1, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Santa Rosa..... Santa Rosa..... Santa Rosa..... Santa Rosa.....	..... ..... ..... .....
BRIGADIER-GENERAL. <i>Third Brigade.</i>					
A. M. Dobbie.....	June 24, 1862.....	June 21, 1862.....	.....	Columbia.....	.....
BRIGADE STAFF.					
<i>Assistant Adjutant-General.</i>					
William A. Davies.....	July 26, 1862.....	July 23, 1862.....	Major.....	Columbia.....	.....
<i>Brigade Inspector.</i>					
Thomas J. Matteson.....	July 26, 1862.....	July 23, 1862.....	Major.....	Campo Seco.....	.....
<i>Quartermaster.</i>					
John Sedgwick.....	July 26, 1862.....	July 23, 1862.....	Major.....	Sonora.....	.....

ROSTER OF THE MILITARY FORCE—Continued.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Commissary.</i>					
G. R. Choate.....	September 3, 1862.....	August 7, 1862.....	Major.....	Stockton.....	.....
<i>Engineer Officer.</i>					
Edwin A. Sherman.....	July 26, 1862.....	July 23, 1862.....	Major.....	Aurora.....	.....
<i>Ordnance Officer.</i>					
George C. Drew.....	September 3, 1862.....	August 7, 1862.....	Major.....	Stockton.....	.....
<i>Paymaster.</i>					
John C. Scribner.....	November 18, 1862.....	November 18, 1862.....	Major.....	Sonora.....	.....
<i>Judge Advocate.</i>					
H. B. McNeil.....	July 26, 1862.....	July 23, 1862.....	Major.....	Sonora.....	.....
<i>Surgeon.</i>					
William B. Jones.....	July 26, 1862.....	July 23, 1862.....	Major.....	Campo Seco.....	.....
<i>Adjut.-camp.</i>					
Joseph A. Smith.....	September 3, 1862.....	August 7, 1862.....	Captain.....	Tuolumne County.....	.....
FIRST INFANTRY BATTALION, FIELD AND STAFF.					
<i>Lieutenant-Colonel.</i>					
Ambrose E. Hooker.....	December 3, 1862.....	November 26, 1862.....	Lieutenant-Colonel.....	Columbia.....	.....
<i>Major.</i>					
George D. Cookin.....	December 3, 1862.....	November 26, 1862.....	Major.....	James town.....	.....
COMPANIES—FIRST INFANTRY BATTALION.					
<i>Company A—Tuolumne Home Guard.</i>					
Ambrose E. Hooker.....	September 16, 1861.....	September 10, 1861.....	Captain.....	Columbia.....	Promoted to Lt. Col., Com. 1st [Battalion, Nov. 27, 1862....
Joseph C. Ktowers.....	September 16, 1861.....	September 10, 1861.....	First Lieutenant.....	Columbia.....	.....
Stephen Wing.....	July 26, 1862.....	July 23, 1862.....	Sen. Second Lieutenant.....	Columbia.....	.....
M. C. Audross.....	September 24, 1862.....	September 6, 1862.....	Jun. Second Lieutenant.....	Columbia.....	.....
<i>Company B—Siegt'l Guard.</i>					
S. B. Blaisdell.....	November 18, 1862.....	November 8, 1862.....	Captain.....	Sonora.....	.....
William W. Traylor.....	November 18, 1862.....	November 8, 1862.....	First Lieutenant.....	Sonora.....	.....
William S. Cooper.....	November 18, 1862.....	November 8, 1862.....	Sen. Second Lieutenant.....	Sonora.....	.....
J. C. Adams.....	May 8, 1862.....	April 28, 1862.....	Jun. Second Lieutenant.....	Sonora.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Company C—Tulame Home Guard.</i> William H. Utter..... O. Mann..... George H. Fisher..... Daniel Vedder.....	October 11, 1862..... October 11, 1862..... October 11, 1862..... October 11, 1862.....	September 27, 1862..... September 27, 1862..... September 27, 1862..... September 27, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Chinese Camp..... Chinese Camp..... Chinese Camp..... Chinese Camp.....	..... ..... ..... .....
<i>Company D—Jamestown Guard.</i> Washington Bruce..... Alvin B. Woodward..... Lewis T. Stonecker..... George D. Gookin.....	October 9, 1862..... October 9, 1862..... October 9, 1862..... October 9, 1862.....	September 29, 1862..... September 29, 1862..... September 29, 1862..... September 29, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Jamestown..... Jamestown..... Jamestown..... Jamestown.....	..... ..... ..... Promoted to Major, 1st Infan- [try Battalion, 3d Brigade.
<i>Company E—Tulame Guard.</i> George Rodden..... Alpheus Young..... J. F. Willmer..... William H. Gale.....	November 18, 1862..... November 18, 1862..... November 18, 1862..... November 18, 1862.....	October 11, 1862..... October 11, 1862..... October 11, 1862..... October 11, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Montezuma..... Montezuma..... Montezuma..... Montezuma.....	..... ..... ..... .....
COMPANIES UNATTACHED. <i>Cahuillas Light Guard.</i> A. H. Stevens..... William P. Griffith..... A. P. Gordon..... A. J. Berry.....	October 7, 1862..... March 19, 1862..... October 7, 1862..... October 7, 1862.....	August 21, 1862..... September 26, 1862..... August 21, 1862..... August 21, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Murphys..... Murphys..... Murphys..... Murphys.....	..... ..... ..... .....
<i>Union Guard.</i> T. Frank Davis..... William H. Homans..... John B. Sparks..... Alexander McWha.....	September 24, 1862..... September 24, 1862..... September 24, 1862..... September 24, 1862.....	September 12, 1862..... September 12, 1862..... September 12, 1862..... September 12, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Campo Seco..... Campo Seco..... Campo Seco..... Campo Seco.....	..... ..... ..... .....
<i>Angels Guard.</i> P. W. Serliner..... B. R. Coon..... Robert Patterson..... George Stickle.....	September 15, 1862..... September 15, 1862..... March 28, 1862..... March 28, 1862.....	August 23, 1862..... August 23, 1862..... March 24, 1862..... March 24, 1862.....	Captain..... First Lieutenant..... Sen. Second Lieutenant..... Jun. Second Lieutenant.....	Angels Camp..... Angels Camp..... Angels Camp..... Angels Camp.....	..... ..... ..... .....

ROSTER OF THE MILITARY FORCE--Continued.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>San Andreas Infantry.</i>					
James Gorman.....	November 29, 1862.....	November 2, 1862.....	Captain.....	San Andreas.....	.....
P. A. Bordwell.....	November 29, 1862.....	November 2, 1862.....	First Lieutenant.....	San Andreas.....	.....
William W. McKee.....	November 29, 1862.....	November 2, 1862.....	Sen. Second Lieutenant.....	San Andreas.....	.....
A. Campbell.....	November 29, 1862.....	November 2, 1862.....	Jun. Second Lieutenant.....	San Andreas.....	.....
<i>Stockton Light Dragoons.</i>					
O. M. Brown.....	June 24, 1862.....	June 17, 1862.....	Captain.....	Stockton.....	.....
P. L. Shoaff.....	June 24, 1862.....	June 17, 1862.....	First Lieutenant.....	Stockton.....	.....
G. Joseph.....	June 24, 1862.....	June 17, 1862.....	Sen. Second Lieutenant.....	Stockton.....	.....
Thomas A. Stombs.....	June 24, 1862.....	June 17, 1862.....	Jun. Second Lieutenant.....	Stockton.....	.....
<i>Franklin Guard.</i>					
Robert M. Bryant.....	October 7, 1862.....	October 2, 1862.....	Captain.....	Knight's Ferry ..	.....
Merrill Britt.....	October 7, 1862.....	October 2, 1862.....	First Lieutenant.....	Knight's Ferry ..	.....
A. F. Barlett.....	March 28, 1862.....	March 22, 1862.....	Sen. Second Lieutenant.....	Knight's Ferry ..	.....
William A. Hamm.....	October 7, 1862.....	October 2, 1862.....	Jun. Second Lieutenant.....	Knight's Ferry ..	.....
<i>Stockton Union Guard.</i>					
John H. Gilmore.....	September 2, 1862.....	August 7, 1862.....	Captain.....	Stockton.....	.....
George Vaughn.....	September 2, 1862.....	August 7, 1862.....	First Lieutenant.....	Stockton.....	.....
L. E. Lyon.....	September 2, 1862.....	August 7, 1862.....	Sen. Second Lieutenant.....	Stockton.....	.....
G. H. Hatch.....	September 2, 1862.....	August 7, 1862.....	Jun. Second Lieutenant.....	Stockton.....	.....
<i>Esmeralda Rifles.</i>					
H. J. Teel.....	April 2, 1862.....	May 22, 1862.....	Captain.....	Aurora.....	.....
A. D. Allen.....	April 2, 1862.....	May 22, 1862.....	First Lieutenant.....	Aurora.....	.....
D. H. Pine.....	April 2, 1862.....	May 22, 1862.....	Sen. Second Lieutenant.....	Aurora.....	.....
F. K. Bechtel.....	April 2, 1862.....	May 22, 1862.....	Jun. Second Lieutenant.....	Aurora.....	.....
BRIGADIER-GENERAL. <i>Fourth Brigade.</i>					
James Collins.....	August 30, 1862.....	August 1, 1862.....	.....	Patterson.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
BRIGADE STAFF. <i>Assistant Adjutant-General.</i> J. M. Hunter..... <i>Brigade Inspector.</i> <i>Quartermaster.</i> <i>Commissary.</i> <i>Engineer Officer.</i> <i>Ordnance Officer.</i> <i>Paymaster.</i> <i>Judge Advocate.</i> <i>Surgeon.</i> <i>Aid-de-camp.</i> Reuben Leach.....	September 15, 1862.....	September 11, 1862.....	Assistant Adj't-General
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ROSTER OF THE MILITARY FORCE—Continued.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Shields Guard.</i>					
H. Fitzsimmons	August 29, 1862.....	August 3, 1861.....	Captain.....	Forest Hill.....	.....
M. Phelan	August 29, 1862.....	August 3, 1861.....	First Lieutenant.....	Forest Hill.....	.....
Thomas Fox	August 29, 1862.....	August 3, 1861.....	Sen. Second Lieutenant.....	Forest Hill.....	.....
E. P. Duane	August 29, 1862.....	August 3, 1861.....	Jun. Second Lieutenant.....	Forest Hill.....	.....
<i>Forest Hill Guards.</i>					
Albert N. Davison.....	October 27, 1862.....	September 2, 1862.....	Captain.....	Forest Hill.....	.....
E. F. Hoyt.....	October 18, 1861.....	October 8, 1861.....	First Lieutenant.....	Forest Hill.....	.....
F. Thayer.....	October 18, 1861.....	October 8, 1861.....	Sen. Second Lieutenant.....	Forest Hill.....	.....
R. J. P. Craig	October 18, 1861.....	October 8, 1861.....	Jun. Second Lieutenant.....	Forest Hill.....	.....
<i>Pacific Guard.</i>					
C. M. Kopp.....	October 16, 1862.....	April 7, 1862.....	Captain.....	Dutch Flat.....	.....
W. H. Calderwood.....	October 16, 1862.....	April 7, 1862.....	First Lieutenant.....	Dutch Flat.....	.....
L. M. Parker	October 16, 1862.....	April 7, 1862.....	Sen. Second Lieutenant.....	Dutch Flat.....	.....
E. Warner.....	October 16, 1862.....	April 7, 1862.....	Jun. Second Lieutenant.....	Dutch Flat.....	.....
<i>Union Corps.</i>					
William B. McGuire.....	May 21, 1862.....	April 22, 1862.....	Captain.....	Michigan Bluff.....	.....
O. G. Spaulding.....	May 21, 1862.....	April 22, 1862.....	First Lieutenant.....	Michigan Bluff.....	.....
James Blackburn	May 21, 1862.....	April 22, 1862.....	Sen. Second Lieutenant.....	Michigan Bluff.....	.....
James Yule.....	May 21, 1862.....	April 22, 1862.....	Jun. Second Lieutenant.....	Michigan Bluff.....	.....
COMPANIES UNATTACHED.					
<i>Nevada Rifles.</i>					
W. P. Hanington	July 6, 1861.....	February 28, 1861.....	Captain	Nevada.....	.....
T. W. Sigourney	July 6, 1861.....	February 28, 1861.....	First Lieutenant	Nevada.....	.....
A. W. Potter.....	July 6, 1861.....	February 28, 1861.....	Sen. Second Lieutenant.....	Nevada.....	.....
A. G. Pier.....	July 6, 1861.....	February 28, 1861.....	Jun. Second Lieutenant.....	Nevada.....	.....
<i>Forest Rifles.</i>					
J. H. Hall.....	June 28, 1861.....	January 26, 1861.....	Captain	Forest City.....	.....
E. Doliver.....	June 28, 1861.....	January 26, 1861.....	First Lieutenant	Forest City.....	.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
Thomas Roper.....	June 28, 1861.....	January 26, 1861.....	Sen. Second Lieutenant	Forest City.....	.....
A. H. Breed.....	June 28, 1861.....	January 26, 1861.....	Jun. Second Lieutenant	Forest City.....	.....
<i>National Guard.</i>					
R. H. Taylor.....	October 9, 1861.....	September 28, 1861.....	Captain.....	Downieville.....	.....
Charles Cochran.....	October 9, 1861.....	September 28, 1861.....	First Lieutenant.....	Downieville.....	.....
Otto Hassmann.....	October 9, 1861.....	September 28, 1861.....	Sen. Second Lieutenant	Downieville.....	.....
W. S. Day.....	October 9, 1861.....	September 28, 1861.....	Jun. Second Lieutenant	Downieville.....	.....
<i>City Guard.</i>					
Josiah Howell.....	December 26, 1859.....	May 9, 1859.....	Captain.....	Sacramento.....	.....
Benjamin Peart.....	June 28, 1862.....	October 7, 1861.....	First Lieutenant.....	Sacramento.....	.....
G. T. Witham.....	June 28, 1862.....	October 7, 1861.....	Sen. Second Lieutenant	Sacramento.....	.....
C. C. Wanfer.....	December 8, 1862.....	September 7, 1862.....	Jun. Second Lieutenant	Sacramento.....	.....
<i>Marysville Rifles.</i>					
B. Eilerman.....	November 18, 1862.....	November 3, 1862.....	Captain.....	Marysville.....	.....
Charles E. Osborne.....	November 26, 1862.....	November 3, 1862.....	First Lieutenant.....	Marysville.....	.....
A. Gibson.....	November 26, 1862.....	November 3, 1862.....	Sen. Second Lieutenant	Marysville.....	.....
Ezra Brow.....	November 18, 1862.....	November 3, 1863.....	Jun. Second Lieutenant	Marysville.....	.....
<i>Granite Guard.</i>					
F. S. Mumford.....	June 27, 1861.....	May 27, 1861.....	Captain.....	Folsom.....	.....
William M. Drew.....	June 27, 1861.....	May 27, 1861.....	First Lieutenant.....	Folsom.....	.....
C. M. Travis.....	June 27, 1861.....	May 27, 1861.....	Sen. Second Lieutenant	Folsom.....	.....
James F. Burke.....	June 27, 1861.....	May 27, 1861.....	Jun. Second Lieutenant	Folsom.....	.....
<i>Volcano Blues.</i>					
James Adams.....	December 5, 1862.....	November 18, 1862.....	Captain.....	Volcano.....	.....
Charles Wilson.....	December 5, 1862.....	November 18, 1862.....	First Lieutenant.....	Volcano.....	.....
E. A. Kingsley.....	July 24, 1861.....	July 13, 1861.....	Sen. Second Lieutenant	Volcano.....	.....
D. A. Patterson.....	December 5, 1862.....	November 18, 1862.....	Jun. Second Lieutenant	Volcano.....	.....
<i>National Guard.</i>					
L. L. Baker.....	October 16, 1862.....	October 7, 1862.....	Captain.....	Sacramento.....	.....
W. H. D. Morrill.....	October 16, 1862.....	October 7, 1862.....	Sen. Second Lieutenant	Sacramento.....	.....
Prescott Robinson.....	October 16, 1862.....	October 7, 1862.....	Jun. Second Lieutenant	Sacramento.....	.....

ROSTER OF THE MILITARY FORCE—Continued.

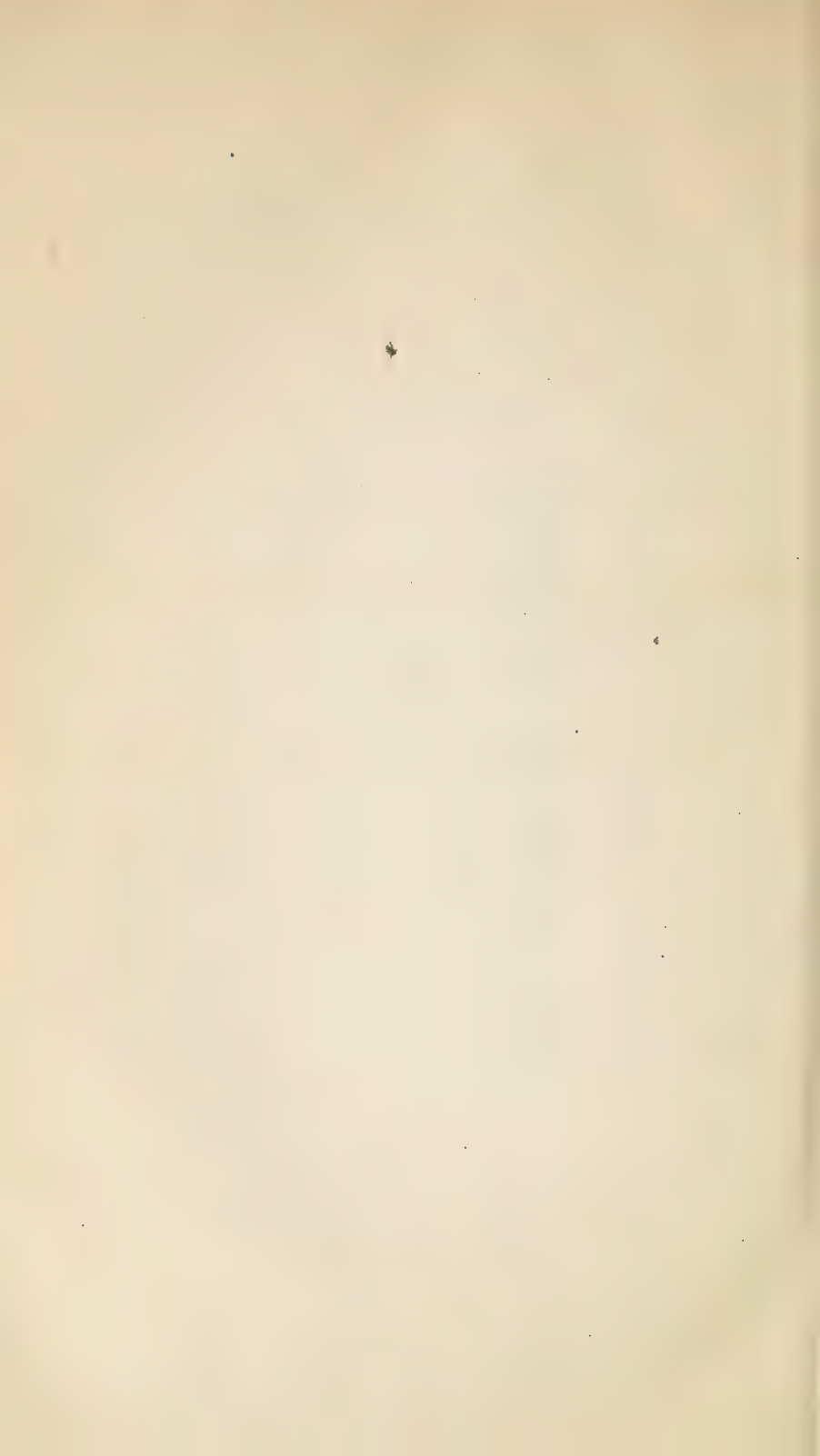
Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Placerville Guard.</i>					
Michael Shearer	March 11, 1862.....	February 22, 1862.....	Captain.....	Placerville.....	.....
John D. Hoop.....	March 11, 1862.....	February 22, 1862.....	First Lieutenant.....	Placerville.....	.....
John F. Pinkham.....	March 11, 1862.....	February 22, 1862.....	Sen. Second Lieutenant.....	Placerville.....	.....
J. M. Kinley.....	March 11, 1862.....	February 22, 1862.....	Jun. Second Lieutenant.....	Placerville.....	.....
<i>Sutter Creek Volunteers.</i>					
William Trump.....	September 10, 1861.....	September 6, 1861.....	Captain.....	Sutter Creek.....	.....
James Davidson.....	September 10, 1861.....	September 6, 1861.....	First Lieutenant.....	Sutter Creek.....	.....
C. L. Baird.....	September 10, 1861.....	September 6, 1861.....	Sen. Second Lieutenant.....	Sutter Creek.....	.....
P. L. Moon.....	September 10, 1861.....	September 6, 1861.....	Jun. Second Lieutenant.....	Sutter Creek.....	.....
<i>Placer Guards.</i>					
John P. Cavanaugh.....	October 26, 1861.....	October 19, 1861.....	Captain.....	Iowa Hill.....	.....
William D. Lawrence.....	October 26, 1861.....	October 19, 1861.....	First Lieutenant.....	Iowa Hill.....	.....
John B. Carrier.....	October 26, 1861.....	October 19, 1861.....	Sen. Second Lieutenant.....	Iowa Hill.....	.....
J. E. Varnum.....	October 26, 1861.....	October 19, 1861.....	Jun. Second Lieutenant.....	Iowa Hill.....	.....
<i>Amador Hussars.</i>					
A. C. Brown.....	January 3, 1862.....	December 28, 1861.....	Captain.....	Amador.....	.....
J. C. Shepard.....	January 3, 1862.....	December 28, 1861.....	First Lieutenant.....	Amador.....	.....
J. G. Severance.....	January 3, 1862.....	December 28, 1861.....	Sen. Second Lieutenant.....	Amador.....	.....
James T. Brown.....	January 3, 1862.....	December 28, 1861.....	Jun. Second Lieutenant.....	Amador.....	.....
BRIGADIER-GENERAL.					
<i>Fifth Brigade.</i>					
Thomas J. Butler.....	.....	.....	.....	.....	.....
BRIGADE STAFF.					
<i>Assistant Adjutant-General.</i>					
.....
<i>Brigade Inspector.</i>					
.....
<i>Quartermaster.</i>					
.....

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Commissary.</i>					
<i>Engineer Officer.</i>					
<i>Ordnance Officer.</i>					
<i>Paymaster.</i>					
<i>Judge Advocate.</i>					
<i>Surgeon.</i>					
<i>Aid-de-camp.</i>					
COMPANIES.					
<i>Oroville Guard.</i>					
A. H. Connolly	July 24, 1861	July 8, 1861	Captain	Oroville	
H. B. Hunt	July 24, 1861	July 8, 1861	First Lieutenant	Oroville	
D. C. Burlingame	July 24, 1861	July 8, 1861	Sen. Second Lieutenant	Oroville	
W. W. Hobart	July 24, 1861	July 8, 1861	Jun. Second Lieutenant	Oroville	
BRIGADIER-GENERAL.					
<i>Sixth Brigade.</i>					
James Hanna					
BRIGADE STAFF.					
<i>Assistant Adjutant-General.</i>					
<i>Brigade Inspector.</i>					
<i>Quartermaster.</i>					
<i>Commissary.</i>					
<i>Engineer Officer.</i>					

ROSTER OF THE MILITARY FORCE—Continued.

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Ordnance Officer.</i>					
<i>Paymaster.</i>					
<i>Judge-Advocate.</i>					
<i>Surgeon.</i>					
<i>Adjutant-General.</i>					
FIELD AND STAFF.					
<i>Lieutenant-Colonel.</i>					
<i>Major.</i>					
COMPANIES.					
<i>Crescent City Guard.</i>					
John P. Haynes.....	September 10, 1861.....	August 19, 1861.....	Captain.....	Crescent City.....	
Richard Dugan.....	September 10, 1861.....	August 19, 1861.....	First Lieutenant.....	Crescent City.....	
James K. Johnson.....	September 10, 1861.....	August 19, 1861.....	Sen. Second Lieutenant.....	Crescent City.....	
Joseph Houck.....	September 10, 1861.....	August 19, 1861.....	Jun. Second Lieutenant.....	Crescent City.....	
<i>Douglas City Rifles.</i>					
John H. Hough.....	October 24, 1861.....	October 19, 1861.....	Captain.....	Douglas City.....	
Charles Sanhope.....	October 24, 1861.....	October 19, 1861.....	First Lieutenant.....	Douglas City.....	
Edward D. Swift.....	November 8, 1862.....	November 2, 1861.....	Sen. Second Lieutenant.....	Douglas City.....	
Benjamin F. Flinn.....	November 8, 1862.....	November 2, 1861.....	Jun. Second Lieutenant.....	Douglas City.....	
<i>Eureka Rifles.</i>					
Charles W. Long.....	July 18, 1862.....	June 26, 1862.....	Captain.....	Eureka.....	
George W. Huestis.....	July 18, 1862.....	June 26, 1862.....	First Lieutenant.....	Eureka.....	
A. W. Hanna.....	July 18, 1862.....	June 26, 1862.....	Sen. Second Lieutenant.....	Eureka.....	
H. S. Saule.....	July 18, 1862.....	June 26, 1862.....	Jun. Second Lieutenant.....	Eureka.....	

Names.	Date of Commission.	Date of Rank.	Rank.	Residence.	Remarks.
<i>Arcata Guard.</i>					
George W. Ousley.....	September 2, 1862.....	July 9, 1862.....	Captain.....	Arcata.....	.....
John A. Whaley.....	September 2, 1862.....	July 9, 1862.....	First Lieutenant.....	Arcata.....	.....
Adalbert Schumacher.....	September 2, 1862.....	July 9, 1862.....	Sen. Second Lieutenant.....	Arcata.....	.....
Charles A. Murdock, Jr.	September 2, 1862.....	July 9, 1862.....	Jun. Second Lieutenant.....	Arcata.....	.....
<i>Hatfield Rifles.</i>					
John Rothenbueher.....	October 13, 1862.....	October 7, 1862.....	Captain.....	Weaverville.....	.....
E. Nebbit.....	October 13, 1862.....	October 7, 1862.....	First Lieutenant.....	Weaverville.....	.....
John Hawks.....	October 13, 1862.....	October 7, 1862.....	Sen. Second Lieutenant.....	Weaverville.....	.....
C. McGowen.....	October 13, 1862.....	October 7, 1862.....	Jun. Second Lieutenant.....	Weaverville.....	.....



REPORT OF THE ORGANIZED MILITARY FORCE
OF
THE STATE OF CALIFORNIA,
FOR THE YEAR 1862.

REPORT OF THE ORGANIZED MILITARY FORCE OF THE STATE OF CALIFORNIA, FOR THE YEAR 1862.

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Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. A.—First CALIFORNIA J. Phoxome, Jr..... GUARD (Light Battery)—John W. Sin..... First Regiment, Second (George Osgood..... Brigade. San Francisco.) Charles W. Klune..... Organized July 27, 1849.	J. Phoxome, Jr..... John W. Sin..... George Osgood..... Charles W. Klune.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Oct. 3, 1861.. Nov. 23, 1862.. Sept. 27, 1862.. Sept. 27, 1862..	Oct. 1, 1861.. Nov. 4, 1862.. Sept. 2, 1862.. Sept. 2, 1862..	Second... Second... Second... Second...	61
RANK AND FILE.— <i>Sergeants</i> —1st, W. C. Burnett; 2d, W. H. Silverthorn; 3d, C. Nyotrum; 4th, H. D. Lamnot. <i>Corporals</i> —1st, E. J. Saultsbury; 2d, C. S. Benedict; 3d, R. Gibbons; 4th, T. M. Truworthy. <i>Quartermaster</i> —William Frank Ladd. <i>Boiler</i> —J. W. Johnson. <i>Privates</i> —James Boree, L. L. Batchelder, G. A. Buckman, Charles Born, E. W. Burnett, J. G. Chappelle, E. F. Clarkson, John Ewell, M. S. Grover, B. F. Hanford, D. S. Hubbell, T. R. Johnson, D. Kellogg, M. K. Miller, G. W. Miller, R. B. Monks, L. W. Newum, E. W. Pique, W. B. Prescott, George Rose, M. G. Rhodes, D. B. Richards, Cornelius Stein, M. P. Sessions, George A. Simmons, Isaac Tauple, A. C. Wakenan, J. P. H. Wentworth, W. W. Wilson, George Natche, Noble Eaton, George Benson, M. J. Davis, George Goodrich, George W. Harris, Theo. Jackson, H. R. Johnson, Thomas Lerry, John Lyons, John Leckie, Hugh McGeorge, T. R. Miller, Thomas McGee, Thomas O'Brien, Hugh Sylvester, D. G. Terry, John Wedner.						
Arms, Accoutrements, and Appendages.						
Six-Pounder Brass Guns and Carriages... 2						
Six-Pounder Brass Gun Carriages... 2						
Twelve-Pounder Howitzers and Carriages... 2						
Twelve-Pounder Howitzers and Carriages... 2						
Iron Sponge Buckets... 4						
Tar Buckets... 6						
Water Buckets... 6						
Cannon Locks... 4						
Fuze Plug Runners... 4						
Gunnors' Gimbets... 4						
Gunnors' Primers... 4						
Gunnors' Haversacks... 4						
Handspikes... 10						
Double Wheel Harness... 10						
Double Lead Harness... 10						
Lanyards... 4						
Linstocks, and Lock Covers, each... 4						
Printing Wires, and Prolongs, each... 4						
Tarpaulins... 8						
Tangent Scales for Guns... 2						
Tangent Scales for Howitzers... 2						
Thimble-stalls... 8						
Worms and Staves... 2						
Tube Punches, and Vent Punches, each... 8						
Sponges and Runners... 8						
Sponge Covers, 8; Shovels, Catsons... 2						
Vent Punches... 4						
Rolls, extra, 8; Wheels, extra... 2						
Artillery Sabres... 85						
Artillery Sabre Belts... 40						
Artillery Sabre Belt Plates... 40						
Bond.—Received and approved by County Judge.						

Bound.—Received and approved by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
COMPANY B—CITY GUARD— First Regiment, Second E. W. Macdonray, Jr., Brigade, San Francisco. Organized May 31, 1854.	W. C. Little.....	Captain.....	Sept. 2, 1862.	Aug. 8, 1862.	Second...	56	Muskets..... 60
	E. W. Macdonray, Jr.....	First Lieut.....	Sept. 2, 1862.	Aug. 8, 1862.	Second...		Gun Slings..... 60
	R. M. Noyes.....	Sen. Sec. Lieut.....	Sept. 2, 1862.	Aug. 8, 1862.	Second...		Bayonets..... 60
	John Hoyt.....	Jun. Sec. Lieut.....	Sept. 2, 1862.	Aug. 8, 1862.	Second...		Bayonet Scabbards..... 60
							Cartridge Boxes..... 60
RANK AND FILE.— <i>Sergeants</i> —1st, J. P. Hackett; 2d, G. W. Grannis; 3d, T. Van Tassel; 4th, C. H. Stouten- borough; 5th, Edwin Harris. <i>Corporals</i> —1st, Henry Beriz; 2d, Wm. Reeve; 3d, George Childs; 4th, S. H. Smith. <i>Sergeant</i> —C. G. Bryant. <i>Privates</i> —A. W. Bowman, T. G. Bradford, F. W. Bert, F. W. Clark, Chas. Chandler, Horace Davis, W. H. Daniell, H. B. Eaton, Jos. C. Ford, H. L. Fox, Douglass Gunn, E. R. Hayes, H. O. Howard, J. T. Jones, J. T. Johnson, C. C. Jacks, John Love, J. C. Leony, J. A. Leducneau, D. R. McKee, S. P. Middleton, J. C. Mitchell, C. M. Nichols, J. N. Olney, E. A. Ogden, E. Polhemus, J. H. Russell, H. Rhaders, R. Shankland, L. H. Shortt, J. H. Stoutenborough, E. S. Spear, G. R. Turner, L. R. Townsend, C. H. Vail, S. P. Van Dyke, C. A. Velder, J. H. Wilson, D. E. Webb, L. J. Wilder, David Wilder, G. E. Whitney.							Cartridge Box Belts..... 60
							Cartridge Box Plates..... 60
							Cartridge Box Plates..... 60
							Waist Belts..... 60
							Waist Belt Plates..... 60
							Extra Cones..... 60
							Cap Pouches..... 60
							Screwdrivers..... 60
							Wormers..... 60
							Tampions..... 3
							Ball Screws..... 3
							Spring Vices..... 4
							Sergeants' Swords..... 4
							Sergeants' Sword Belts..... 4
							Sergeants' Sword Belt Plates..... 4

Box.—Approved and filed in office of
County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. C—NATIONAL GUARD— First Regiment, Second Brigade, San Francisco, Organized August 31, 1865.	Z. B. Adams.	Captain.	July 21, 1862	July 14, 1862	Second.	49
	Benjamin Pratt	First Lieut.	Jan. 8, 1862	Jan. 3, 1862	Second.	
	Charles J. Willey.	Sen. Sec.	July 21, 1862	July 14, 1862	Second.	
	E. Lewis	Jun. Sec.	Jan. 8, 1862	Jan. 3, 1862	Second.	
RANK AND FILE.— <i>Sergeants</i> —1st, A. L. Hathaway; 2d, A. D. Moulton; 3d, G. Humphrey; 4th, T. A. Willis; 5th, C. H. Webster. <i>Corporals</i> —J. R. Conway; George Overn. <i>Pirates</i> —F. Applegate, T. G. Berry, G. W. Blake, C. J. Byrne, A. J. Bryant, C. V. Bonnemant, B. Collins, Jr., H. Dutton, Jr., Henry Dorland, P. T. Dunn, H. J. Fisher, Thomas Finnerly, John Gray, William Gimmann, J. C. Gorman, Jos. Haine, Arthur Haine, C. M. Haley, S. T. Hamblly, Peter Johnson, G. W. Kingsbury, J. W. Kenney, G. K. Laughlin, J. V. McDewee, P. McCormick, A. McKay, J. K. Norcross, J. H. Pierce, J. M. Pierce, R. Stratton, G. M. Tunner, T. J. E. B. Thompson, J. G. Theller, L. S. Welton, G. B. Willey.						

Arms, Accoutrements, and Appendages.	
Muskets.....	64
Gun Slings.....	64
Bayonets.....	64
Bayonet Scabbards.....	64
Cartridge Boxes.....	64
Cartridge Box Belts.....	64
Cartridge Box Plates.....	64
Cartridge Box Belt Plates.....	64
Waist Belts.....	64
Waist Belt Plates.....	64
Extra Cones.....	64
Cap Pouches.....	64
Screwdrivers.....	64
Wormers.....	64
Tompson's.....	64
Ball Screws.....	3
Spring Vices.....	3
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4
Bullet Moulds.....	2

Box—Approved and filed with County Judge.

REPORT OF THE MILITARY FORCE—Continued.

Arms, Accoutrements, and Appendages.

Muskets.....
Gun Slings.....
Bayonets.....
Bayonet Scabbards.....
Cartridge Boxes.....
Cartridge Box Belts.....
Cartridge Box Belt Plates.....
Waist Belts.....
Waist Belt Plates.....
Extra Cones.....
Cap Pouches.....
Screwdrivers.....
Wormers.....
Tompons.....
Cartridge Box Plates.....
Ball Screws.....
Spring Vices.....
Sergeants' Swords.....
Sergeants' Sword Belts.....
Sergeants' Sword Belt Plates.....

BOND.—Approved and filed by County Judge

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. F.—SAN FRANCISCO LIGHT GUARD— First Regiment, Second Brigade, San Francisco. Organized Dec. 9, 1858.	Rufus W. Smith..... S. McCullough..... Ira Cook..... Edward Packard.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 23, 1861..... Sept. 23, 1861..... May 7, 1862..... May 7, 1862.....	Sept. 5, 1861..... Sept. 5, 1861..... Jan. 7, 1862..... Jan. 7, 1862.....	Second..... Second..... Second..... Second.....	54
<p>RANK AND FILE.—<i>Sergeants</i>—1st, R. P. Duff; 2d, A. H. Henderson; 3d, J. Hughes; 4th, McDevitt. <i>Corporals</i>—1st, B. C. Donnellan; 2d, T. Miller; 3d, G. Bradshaw; 4th, A. A. Son. <i>Privates</i>—J. A. D. Anderson, G. J. Bascome, W. Berney, W. Bushman, C. A. Bailey, Bascome, S. C. Bradshaw, Buchanan, Craigh, W. Cazneau, Coons, Childs, Cook, C. Duff, De Angeles, Donalty, Farham, Gardiner, Gazley, Gunn, W. Hall, Hale, Helee, Hetzel, Jones, Kelley, Kirby, Lewis, Lampe, Leonard, Lang, Mow, McColl, Poage, Phelps, J. A. Plummer, C. A. Plummer, Simpson, Shove, Snapper, Thompson, Tucker.</p>						

Arms, Accoutrements, and Appendages.

Muskets.....	60
Gun Slings.....	60
Bayonets.....	60
Bayonet Scabbards.....	60
Cartridge Boxes.....	60
Cartridge Box Belts.....	60
Cartridge Box Plates.....	60
Cartridge Box Belt Plates.....	60
Extra Cones.....	60
Cap Pouches.....	60
Screwdrivers.....	60
Waist Belts.....	60
Waist Belt Plates.....	60
Wormers.....	60
Tompson's.....	60
Spring Vices.....	3
Ball Screws.....	3
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

Boxn.—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. G—SIEGEL GUARD RIFLES— First Regiment, Second Charles Goetz Brigade, San Francisco, Organized Sept. 25, 1861.	Peter Sesser.....	Captain.....	Sept. 28, 1861	Sept. 25, 1861	Second...	44
	Anton Ewald.....	First Lieut.....	Sept. 27, 1862	Sept. 17, 1862	Second...	.....
	Sen. Sec. Lieut. Charles Goetz.....	Sen. Sec. Lieut.....	Sept. 28, 1861	Sept. 25, 1861	Second...	.....
	Jun. Sec. Lieut. W. Wagner.....	Jun. Sec. Lieut.....	Sept. 27, 1862	Sept. 17, 1862	Second...	.....
RANK AND FILE.— <i>Sergeants</i> —1st, J. Oipel; 2d, A. Felineck; 3d, C. Bohn; 4th, C. Wochatz; 5th, D. Batteux.						
<i>Corporals</i> —1st, L. Fetzer; 2d, V. Schuman; 3d, L. Schultze; 4th, J. Friedrich.						
<i>Privates</i> —C. Ballhouse, C. Belender, L. Bischof, F. C. Blücher, C. Haefner, F. Haussler, M. Heiling, V. Heinz, C. Herbst, F. Herding, A. Deuss, C. Kaufmann, A. Kaufmann, Louis Kegel, W. Kernenberg, C. W. Lommel, H. Marsch, C. A. Mörkle, J. Meyer, B. Murasky, G. Pohlman, H. Sattler, H. Schlütter, H. Schmidt, J. Schneider, O. Scholz, J. Specht, C. Frauty, H. Vollers, E. Wagner, G. L. Wentzel.						
* Re-elected September 17th, 1862.						

Arms, Accoutrements, and Appendages.

Minié Rifles.....	40
Sabre Bayonets and Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Belts and Plates.....	40
Cartridge Box Plates.....	40
Waist Belts.....	40
Waist Belt Plates.....	40
Cap Boxes.....	40
Gun Slings.....	40
Screwdrivers.....	40
Wipers.....	40
Extra Cones.....	40
Cone Picks.....	40
Ball Screws.....	8
Swedges.....	2
Spring Vices.....	4
Bullet Moulds.....	2

Bond.—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. II—FRENCH GUARD— First Regiment, Second Brigade, San Francisco, Organized 1860.	G. Gailhard..... L. Tridon..... E. Antoine..... F. Girard.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Nov. 25, 1862. Jan. 18, 1861. Nov. 25, 1862. Nov. 25, 1862.	Oct. 16, 1862. Dec..... 1860. Oct. 16, 1862. Oct. 16, 1862.	Second... Second... Second... Second...	57

RANK AND FILE.— <i>Sergeants</i> —1st, A. Fleury ; 2d, P. Fleury ; 3d, L. Viaud ; 4th, L. Perrey. <i>Color Bearer</i> —Elie Alexander ; J. B. Verdenal. <i>Quartermaster</i> —E. Antoine. <i>Corporals</i> —1st, L. A. Rieux ; 2d, H. J. Helman ; 3d, A. Teyssot ; 4th, P. J. Loyer. <i>Privates</i> —G. Borel, A. Prou, P. Maige, P. Blich, A. Madé, L. Legroubé, L. Terme, F. Coret, L. Frick, J. Dreyfus, P. Treuton, G. Dastugue, E. D. Feusier, A. Berard, J. Denwel, F. Koenig, A. Spolier, P. Arnaud, J. B. Cleu, J. Pellissot, A. Dallon, J. Tissot, L. Betaux, V. Ansons, A. Finance, F. Girard, J. Aubry, J. Berce, L. Gerard, E. B. J. Guéinaud, G. Rusoni, V. Roudet, E. Terrier, E. Monnot, Lanthcaume, Jr., E. Harteman, J. Flahaut, J. Fleury, T. Perrin, L. Dumas, A. Graviillier, J. Vesselin, E. Lecordier.	
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Arms, Accoutrements, and Appendages.	Muskets..... 50 Gun Slings..... 50 Bayonets..... 50 Bayonet Scabbards..... 50 Cartridge Boxes..... 50 Cartridge Box Belts..... 50 Cartridge Box Plates..... 50 Cartridge Box Belt Plates..... 50 Waist Belts..... 50 Waist Belt Plates..... 50 Extra Cones..... 50 Cap Ponches..... 50 Screwdrivers..... 50 Worms..... 50 Tompons..... 50 Ball Screws..... 3 Spring Vices..... 3 Sergeants' Swords..... 4 Sergeants' Sword Belts..... 4 Sergeants' Sword Belt Plates..... 4 Bullet Moulds..... 2
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Box.—Approved and filed by County Judge.

BoxD.—Approved and filed by County Judge.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. I.—STANLEY HOWE (Grants), First Regiment, Second Brigade, San Francisco, Or.—Re-organized October 14, 1861.	Thomas B. Ludlum.....	Captain.....	Oct. 15, 1862.	Oct. 14, 1861.	Second..	54
	A. Moger	First Lieut.....	Oct. 15, 1862.	Oct. 6, 1862.	Second..	.....
	R. W. Thompson	Sen. Sec. Lieut. * Oct. 14, 1862.	Oct. 14, 1862.	Oct. 14, 1861.	Second..	.....
	A. B. Wood	Jun. Sec. Lieut. Oct. 15, 1862.	Oct. 15, 1862.	Oct. 6, 1862.	Second..	.....
RANK AND FILE.—Sergeants—1st, A. B. Wood; 2d, I. S. Howard; 3d, S. H. Mitchell; 4th, A. T. Ruthroff. Corporals—1st, C. Boardman; 2d, T. W. McColliam; 3d, A. Wilson; 4th, B. V. Updon. Privates—E. P. Bachelder, C. D. Chapman, W. M. Culberg, L. S. Clark, J. Carrick, H. Chick, H. L. Demerest, J. G. Daws, M. Pyer, L. M. Gould, W. H. Gray, E. Goldstine, M. E. Howard, W. H. Hamilton, T. H. Hatch, W. Hollis, W. Hendey, C. F. Jangle, E. Kernodle, C. E. March, J. Ord, Jr., R. H. Orton, I. W. H. Peck, J. Penny- cook, D. H. Penny, J. Nowland, H. F. Stivers, J. T. Sanborn, W. W. Sheld, J. P. Stein, F. A. Taylor, L. Tash- erin, J. Vizard, C. W. Wendie, A. C. White, I. H. Woolcy, F. G. Winsor, G. W. Wood, W. H. Younger, W. A. Speckles.						
* Re-elected.						

Arms, Accoutrements, and Appendages.

Musket	50
Cartridge Boxes	50
Cartridge Box Plates	50
Cartridge Box Belts	50
Cartridge Box Belt Plates	50
Gum Slings	50
Cap Pouches	50
Cone Poles	50
Screwdrivers	50
Bayonet Scabbards	50
Waist Belts	50
Waist Belt Plates	50
Bayonets	50
Wormers	50
Tompson's	50
Ball Screws	3
Spring Vices	3
Sergeants' Swords	4
Sergeants' Sword Belts	4
Sergeants' Sword Belt Plates	4

Boxed.—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
Co. K—ELLSWORTH RIFLES.	C. C. S. Macdonald.....	Captain.....	Oct. 24, 1861	Oct. 22, 1861	Second...	48	Rifles..... 34
First Regiment, Second Brigade, San Francisco.	C. C. Keene.....	First Lieut.....	Nov. 14, 1862	Oct. 29, 1862	Second...		Gun Slings..... 34
Organized.....	G. Wood.....	Sen. Sec. Lieut.....	Nov. 14, 1862	Oct. 29, 1862	Second...		Bayonet Scabbards..... 23
	M. Reynolds.....	Jun. Sec. Lieut.....	Nov. 14, 1862	Oct. 29, 1862	Second...		

RANK AND FILE.—*Sergeants*—1st, E. C. Newhoff; 2d, C. Gilbert; 3d, F. S. Poland; 4th, R. McGreavy.
Orderly Sergeant—L. Dunn.

Corporals—1st, W. Provenze; 2d, H. Lonergan; 3d, M. Reynolds; 4th, T. Palmer.
Privates—F. B. Harrington, W. Dunn, W. Cauty, C. C. Lohr, T. Smith, T. Cornell, A. T. Searle, D. M. Sullivan, H. Blankenstein, A. Bruce, S. W. Taylor, R. Cardiff, J. J. Sullivan, J. Haskell, T. McGreavy, J. Miller, G. Wood, A. Duquentry, S. W. Fields, T. Swift, R. Stott, P. Dougherty, T. McElroy, E. Hall, J. Hall, E. McDewitt, I. M. Byers, R. Lawless, P. H. Keame, T. D. Taaffe F. Victorious, J. Drew, E. Hawks, T. Regan, W. Hunt.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank	Brigade.	Rank & File.
Co. A—LYONS GRAVE— First Infantry Battalion. San Francisco. Organ- ized May 27, 1861	William R. Gorham.....	Captain.....	June 27, 1861	May 27, 1861	Second...	08
	James E. Nutman.....	First Lieut.....	Dec. 16, 1861	Dec. 3, 1861	Second...	
	E. B. Vreeland.....	Sen. Sec. Lieut.	Dec. 16, 1861	Dec. 3, 1861	Second...	
	John Stratman.....	Jun. Sec. Lieut.	Dec. 16, 1861	Dec. 3, 1861	Second...	

RANK AND FILE.—*Sergeants*—1st, S. D. Simmons; 2d, E. Perry; 3d, J. C. Chase; 4th, J. G. Pearson.
Corporals—1st, A. Magee; 2d, W. Kelly; 3d, C. A. Lyons; 4th, J. L. Wheat.
Privates—D. B. Arrowsmith, E. Bauer, H. E. Babbitt, A. Belmore, A. J. Bryant, E. M. Casey, H. W. Crandall,
W. C. Cornell, J. Cahill, J. Carson, Z. Cushman, E. W. Corbitt, W. J. Canning, T. G. Dunning, E. Deaves, B. B.
Decker, J. G. Dennison, J. V. Donison, J. Dawson, C. W. Elliott, E. Ewald, C. Field, J. Gillespie, J. G. Graham,
J. E. Gorham, D. Gorham, J. Galloway, J. G. Hughes, J. C. Harlow, M. Haight, W. P. Harnd, W. Henfrey, H.
Hall, H. Hogan, D. B. Jackson, C. J. Jordan, S. W. Kennedy, S. J. Kennedy, J. J. Labatt, T. Laird, J. L. Mar-
tell, E. Mumfrey, W. McManis, C. McMillan, M. McIntyre, G. C. Paine, P. B. Quinlan, H. R. Reed, J. Regan, A.
A. Snyder, J. H. Schermier, A. Staffin-back, J. F. Vautassle, H. Rick.

Armes, Accoutrements, and Appendages.

Muskets.....	80
Gun Slings.....	80
Bayonets.....	80
Bayonet Scabbards.....	80
Cartridge Boxes.....	80
Cartridge Box Belts.....	80
Cartridge Box Plates.....	80
Cartridge Box Belt Plates.....	80
Waist Belts.....	80
Waist Belt Plates.....	80
Extra Cones.....	80
Cap Boxes.....	80
Screwdrivers.....	80
Wormers.....	80
Tompons	80
Ball Scrays.....	4
Spring Vices.....	4
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4
Bullet Moulds.....	2

BOND.—Accepted and approved by County Judge.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
C. C.—OAKLAND HOME GUARD— First Infantry Battalion, Oakland. Second Brigade. Organized September 1, 1861.	James Brown..... H. W. Morse..... H. Hiltbrand..... J. Tyrrel.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 28, 1861..... Sept. 3, 1862..... Sept. 3, 1862..... Sept. 3, 1862.....	Aug. 31, 1861..... Aug. 30, 1862..... Aug. 30, 1862..... Aug. 30, 1862.....	Second .. Second .. Second .. Second ..	34
<p>RANK AND FILE.—<i>Sergeants</i>—1st, A. W. Barrell; 2d, C. P. McKay; 3d, J. McCann; 4th, J. A. Webster.</p> <p><i>Corporals</i>—1st, J. H. Hobart; 2d, G. C. Chase; 3d, H. H. Hemphill; 4th, L. M. Aldrich.</p> <p><i>Privates</i>—H. H. Barrell, J. Barnett, G. M. Blake, G. H. Carleton, J. Condon, C. H. Ellis, J. Freese, L. J. Hardy, E. A. Hersey, J. Hemphill, J. Hoffman, J. Johnson, T. W. Newcomb, J. C. Orr, L. N. Parsons, R. Park, J. Potter, J. Ross, E. E. Webster, A. W. Webb, J. A. Witcher, R. Williams.</p>						
<p>Arms, Accoutrements, and Appendages.</p> <p>Muskets..... 50</p> <p>Bayonet Scabbards..... 50</p> <p>Cartridge Boxes..... 50</p> <p>Cartridge Box Plates..... 50</p> <p>Cartridge Box Belt Plates..... 50</p> <p>Waist Belts..... 50</p> <p>Waist Belt Plates..... 50</p> <p>Gun Slings..... 50</p> <p>Cap Boxes..... 50</p> <p>Screwdrivers..... 50</p> <p>Cone Picks..... 50</p> <p>Ball Screws..... 50</p>						
<p>The above arms were issued by the General Government, by order of General Sumner.</p>						

Name of Company.	Officers.	Offcc.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. D.—WASHINGTON LIGHT INFANTRY— First Infantry Battalion, Second Brigade. San Francisco. Organized December 15, 1855.	James B. Storer..... R. D. Smith..... K. F. Weymeier..... A. Merritt.....	Captain..... First Lieut..... Sen. Lieut. June 7, 1862 Jun. Sec. Lieut. June 7, 1862	Jan. 30, 1862 June 7, 1862 June 7, 1862 June 7, 1862	Jan. 23, 1862 May 27, 1862 May 27, 1862 May 27, 1862	Second... Second... Second... Second...	50
RANK AND FILE.— <i>Sergeants</i> —1st, P. Gregory ; 2d, C. Rutts ; 3d, S. H. Davenport ; 4th, J. J. Newsom ; 5th, F. O. Aubry.						
<i>Corporals</i> —1st, M. B. Merritt ; 2d, J. Jenkins ; 3d, E. L. Ormsbee ; 4th, F. B. Kennedy.						
<i>Privates</i> —J. H. Addison, J. Anglin, J. Anderson, G. Aickin, F. Barker, D. W. Bosley, D. Barnasky, P. T. Canhaure, D. Corcoran, C. R. Davis, C. O. Donnell, H. Detmar, J. Donnovan, W. H. Denton, A. Dassenville, J. Ecken, T. Field, G. Fisher, J. C. Goodman, W. Hodges, J. C. Herringer, Jr., C. Herrman, F. Horswell, G. F. Kuhn, W. Lindop, R. Norton, A. H. Penoyer, C. Plum, E. L. R. Peckham, H. S. C. Tubbs, H. Taylor, G. W. Taylor, C. D. Wallace, T. Whittell, G. H. Wilde, J. Ware, R. H. Williams.						

Arms, Accoutrements, and Appendages.	Muskets..... 40 Gun Slings..... 40 Bayonets..... 40 Bayonet Scabbards..... 40 Cartridge Boxes..... 40 Cartridge Box Belts..... 40 Cartridge Box Plates..... 40 Cartridge Box Belt Plates..... 40 Waist Belts..... 40 Waist Belt Plates..... 40 Cap Pouches..... 40 Extra Cones..... 40 Screwdrivers..... 40 Wormers..... 40 Tonnions..... 40 Ball Screws..... 3 Spring Vices..... 2 Sergeants' Swords..... 4 Sergeants' Sword Belts..... 4 Sergeants' Sword Belts..... 4 Bullet Moulds..... 2	BOND.—Received and approved by County Judge.
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Arms, Accoutrements, and Appendages.

Muskets.....	40
Gun Slings.....	40
Bayonets.....	40
Bayonet Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Belts.....	40
Cartridge Box Plates.....	40
Cartridge Box Belt Plates.....	40
Waist Belts.....	40
Waist Belt Plates.....	40
Cap Pouches.....	40
Extra Cones.....	40
Screwdrivers.....	40
Wormers.....	40
Tompions.....	40
Ball Screws.....	3
Spring Vices.....	2
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4
Bullet Moulds.....	2

BOND.—Received and approved by County Judge.

REPORT OF THE MILITARY FORCE—Continued.

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Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. F.—FRANKLIN LIGHT INFANTRY— First Infantry Battalion, Second Brigade, San Francisco. Organized June 15, 1861.	John McComb..... Duane M. Greene..... John T. Barry..... San J. W. Wilkinson.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jan. Sec. Lieut.....	Sept. 5, 1861 Oct. 15, 1862 Oct. 15, 1862 April 26, 1862	Aug. 31, 1861 Oct. 6, 1862 Oct. 6, 1862 Mar. 28, 1862	Second.. Second.. Second.. Second..	50
<p>RANK AND FILE.—<i>Sergeants</i>—1st, E. T. Plank; 2d, J. Kingwell; 3d, vacancy; 4th, vacancy.</p> <p><i>Corporals</i>—1st, W. E. Edwards; 2d, T. Smith; 3d, D. Darnell; 4th, J. K. Phillips.</p> <p><i>Privates</i>—D. Bigelow, E. Bigelow, C. L. Barnasky, J. Brown, J. Bradley, F. W. Clapp, I. Cook, E. Chemin, L. W. Crews, C. D. Dunn, M. L. Derrick, J. E. Eckley, C. Gallagher, I. Harburt, J. Heenan, D. H. Hunter, M. Joice, E. T. Johnson, J. Keene, J. Kane, J. T. Lyon, M. H. Lovely, J. J. Moffitt, J. J. Monaghan, J. A. Mahanny, I. N. Mugar, T. McCormick, B. Y. Strong, C. L. Strong, W. Sheridan, A. R. Sparrow, B. F. Shirley, H. H. Thrall, G. H. Winterburn, F. Winterburn, F. O. A. Williams.</p>						
This Company was furnished one hundred and twenty-three men for the service of the United States.						

Arms, Accoutrements, and Appendages.

Muskets.....	60
Gun Slings.....	60
Bayonets.....	60
Bayonet Scabbards.....	60
Cartridge Boxes.....	60
Cartridge Box Plates.....	60
Cartridge Box Belts.....	60
Cartridge Box Belt Plates.....	60
Waist Belts.....	60
Waist Belt Plates.....	60
Extra Cones.....	60
Cap Boxes.....	60
Screwdrivers.....	60
Wormers.....	60
Tampions.....	60
Ball Screws.....	3
Spring Vices.....	3
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4
Bullet Moulds.....	2

Box.—Received and approved by County Judge.

Arms, Accoutrements, and Appendages,

Minié Rifles.....	40
Bayonets.....	40
Bayonet Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Plates.....	40
Waist Belts and Plates.....	40
Cap Boxes.....	40
Gun Slings.....	40
Screwdrivers.....	40
Wipers.....	40
Wire Punches.....	8
Ball Screws.....	8
Spring Vices.....	4
Swedges.....	2
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4
Cone Picks.....	40

Bond.—Received and approved by County Judge,

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. F—SANTA CLARA LIGHT INFANTRY— First Infantry Battalion.	A. Jones Jackson..... George H. Parsons..... W. A. Chandler.....	Captain..... First Lieut..... Sqn. Sec. Lieut.....	Sept. 28, 1861 Sept. 27, 1862 Sept. 27, 1862	Aug. 1, 1861 Aug. 6, 1862 Aug. 6, 1862	Second.. Second.. Second..	61
Second Brigade, San Francisco, Organized August 1, 1861.	H. D. Menton.....	Jun. Sec. Lieut.....	Sept. 27, 1862	Aug. 6, 1862	Second..	.....

RANK AND FILE.—*Sergeants*—1st, D. W. Herrington; 2d, vacancy; 3d, T. R. Clark; 4th, G. W. Read; 5th, J. Barr.

Corporals—1st, C. B. Towle; 2d, B. Caldwell; 3d, V. Willett; 4th, W. H. Menton.

Privates—1st, A. A. Withrow; 2d, D. Travis.

Chandler, J. L. Collins, R. Dibble, J. A. Elliot, M. D. French, G. H. Groves, G. W. Gosling, G. T. Henden, R. E. Hewitt, H. Hopple, A. F. Harlow, R. Higgins, J. R. Johnson, W. C. Kennedy, J. F. Kennedy, T. Kennedy, N. Klein, S. Lansdale, T. Lawrence, J. W. Linn, J. McQuaid, T. N. McCracken, S. Morrison, J. McClelland, P. McPherson, P. Morris, W. J. Pinkham, J. W. Pearson, J. B. Rhinehart, E. T. Starr, D. W. Seaver, H. A. Saxe, C. N. Senter, J. H. Stopford, Z. B. Sumoy, G. W. Towle, S. Thorn, W. W. Withrow, J. Willett.

REPORT OF THE MILITARY FORCE--Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. A--MONTGOMERY GUARD. James T. Hyde,.....	Captain.....		Oct. 18, 1862	Oct. 16, 1861	Second...	70
Second Infantry Battalion. Charles Quinn.....	First Lieut.....		April 26, 1862	March 4, 1862	Second...	60
Second Brigade. San William Lee.....	Sen. Sec. Lieut.		April 26, 1862	March 4, 1862	Second...	60
Frankisco. Organized Anthony Dupkin.....	Jun. Sec. Lieut.		Dec. 15, 1862	Dec. 5, 1862	Second...	60
Dec. 14, 1859.						
<p>RANK AND FILE.--Sergeants--1st, P. H. Lawlor; 2d, J. Kellay; 3d, B. Keegan; 4th, W. H. Nicholson.</p> <p>Corporals--1st, T. Bolster; 2d, J. Deanne; 3d, J. Egan; 4th, J. Cahill.</p> <p>Privates--1st, D. Brown, F. Brown, P. Brown, P. Bralley, I. B. Coffey, T. Callan, W. Cusick, J. Corbett, W. J. Cowen, M. Cronin, J. Coughlin, J. Casey, A. Durkin, E. Delaney, B. Devine, P. Duffy, P. Finn, M. Greenan, W. Gough, P. Gahaler, P. Horan, P. Haney, W. Haney, J. Harie, T. Harie, W. Hodnett, J. Harrington, W. Horra, I. F. Kelley, J. Kenney, W. Kenney, J. Keenan, P. Lerman, S. Lacy, M. Lavell, M. Maguire, D. Minton, J. P. Muldoon, J. Maher, J. Mathews, J. Mahony, J. Mulvaney, P. McGilly, J. McMullin, H. A. McGuire, P. McAliff, J. Moore, B. J. Noone, J. O'Brien, T. O'Connell, John O'Brien, P. Quinn, F. Reynolds, T. Seavey, M. Sweeney, P. Timmian, J. Wallace, James Wallage,</p>						
<p>Arms, Accoutrements, and Appendages.</p> <p>Muskets..... 60</p> <p>Gun Slings..... 60</p> <p>Bayonets..... 60</p> <p>Bayonet Scabbards..... 60</p> <p>Cartridge Boxes..... 60</p> <p>Cartridge Box Belts..... 60</p> <p>Cartridge Box Belt Plates..... 60</p> <p>Waist Belts..... 60</p> <p>Waist Belt Plates..... 60</p> <p>Extra Cones..... 60</p> <p>Cap Boxes..... 60</p> <p>Screwdrivers..... 60</p> <p>Wormers..... 60</p> <p>Torpedions..... 60</p> <p>Cartridge Box Plates..... 60</p> <p>Ball Screws..... 6</p> <p>Spring Vices..... 6</p> <p>Sergeants' Swords..... 4</p> <p>Sergeants' Sword Belts..... 4</p> <p>Sergeants' Sword Belt Plates..... 4</p> <p>Extra Cones..... 12</p>						
<p>BOND.--Accepted and approved by County Judge.</p>						

Arms, Accoutrements, and Appendages.

Muskets	60
Gun Slings	60
Bayonets	60
Bayonet Scabbards	60
Cartridge Boxes	60
Cartridge Box Belts	60
Cartridge Box Plates	60
Cartridge Box Belt Plates	60
Waist Belts	60
Waist Belt Plates	60
Extra Cones	60
Cap Boxes	60
Screwdrivers	60
Wormers	60
Tompson	60
Ball Screws	3
Spring Vices	3
Sergeants' Swords	4
Sergeants' Sword Belts	4
Sergeants' Sword Belt Plates	4

BOND.—Approved and received by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank	Brigade.	Rank & File.
Co. B—McMANON GUARDS—	George T. Knox.....	Captain.....	Nov. 26, 1861	Nov. 7, 1861	Second...	58
Second Infantry Battalion,	James McGrath.....	First Lieut.....	Nov. 26, 1861	Nov. 7, 1861	Second...	
Second Brigade. San	William F. Burke.....	Son. Sec. Lieut	April 26, 1862	Feb. 10, 1862	Second...	
Francisco. Organized	William Burns.....	Jun. Sec. Lieut	Nov. 26, 1861	Nov. 7, 1861	Second...	
December 18, 1859.....						

RANK AND FILE.—*Sergeants*—1st, M. Murry; 2d, J. Cahill; 3d, M. Magrath; 4th, J. Farrall.

Corporals—1st, I. D. Powers; 2d, T. M. Kelley; 3d, P. O'Brien; 4th, W. L. Moore.

Privates—J. Barrett, D. Collins, B. Curran, J. Cummins, E. Callahan, J. Conway, T. Canty, T. Cronin, R. Dolan, P. Disney, J. H. Dillon, P. Foley, J. Farrell, J. Harney, G. Kavenugh, P. McQuade, T. McMannus, J. Moore, J. Murry, T. McDermott, W. Miller, D. Maguire, W. Nagle, T. O'Brien, E. F. O'Connell, J. O'Riley, J. O'Sullivan, John O'Sullivan, Smith, T. Shields, J. Sheehan, J. Parker, J. Pratt, J. Phalen, P. Quail, P. Ryan, W. Rafferty, Geo. Rassiter, T. Tracy, W. P. Tufce, D. Williams, E. Walsh, Whalen.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. C—SHIELDS GUARD— Second Infantry Battalion.	R. F. Ryan.....	Captain.....	Jan. 8, 1862	Jan. 3, 1862	Second..	54
Second Brigade. San Francisco, organized December 24, 1861.	P. O'Brien.....	First Lieut.....	Nov. 25, 1862	Nov. 10, 1862	Second..	.....
	San J. C. Baldwin.....	Sen. Sec. Lieut.....	Nov. 25, 1862	Nov. 10, 1862	Second..	.....
	H. W. M. Kindy.....	Jun. Sec. Lieut.....	Nov. 25, 1862	Nov. 10, 1862	Second..	.....

RANK AND FILE.—*Sergeants*—1st, M. R. Hassett; 2d, T. O'Neil; 3d, W. C. Roach; 4th, J. Moffatt; 5th, H. McNally.

Corporals—1st, J. McQuirk; 2d, J. O'Brien; 3d, J. Brennan; 4th, C. J. Burke.

Privates—1. C. Baldwin, W. Barry, J. Brennan, P. Bolster, P. Burke, J. Brennan, C. Burne, P. Clary, T. Connolly, J. S. Collins, J. Cruise, A. Donaher, E. S. Donovan, P. Egan, A. Gill, J. Gellbons, J. Goughran, J. Hallesey, J. Kennedy, M. Killacher, J. Keane, P. Lynch, M. McKeon, J. Manning, W. McDonald, M. Manning, B. Mahan, P. H. McManibus, P. McDermot, J. Murray, J. McCaffrey, J. Norris, J. O'Conner, J. O'Neil, P. Quinn, P. Ryan, W. Robinson, D. Sheehan, M. Sweeney, P. Ward, J. Walsh.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
Co. D—WOLF TONE GUARD— Second Infantry Battalion. San Francisco. Organized February 15, 1862.	Archibald Wason..... Martin Keogh..... Cornelius J. Barron...	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	May 21, 1862 Feb. 27, 1862 Feb. 27, 1862 Feb. 27, 1862	May 12, 1862 Feb. 15, 1862 Feb. 15, 1862 Feb. 15, 1862	Second... Second... Second... Second...	47	Rifled Muskets*..... 52 Bayonet Scabbards..... 52 Cartridge Boxes and Plates..... 52 Cartridge Box Belts and Plates..... 52 Waist Belts and Plates..... 52 Cap Boxes..... 52 Gun Slings..... 52 Arm Chests..... 2 Box (packing)..... 1
<p>RANK AND FILE.—<i>Sergeants</i>—1st, J. Mulcahy; 2d, J. Barrett; 3d, W. Kellahan; 4th, W. Carr; 5th, A. McMahon.</p> <p><i>Corporals</i>—1st, W. O'Connell; 2d, T. Nuan; 3d, J. Higgins; 4th, M. Fogarty.</p> <p><i>Privates</i>—J. Allen, D. Callahan, J. Carmichael, J. Cramer, J. Cronin, P. Dooley, J. Driscoll, J. Evans, L. Flanagan, W. Gleeson, P. Goremlly, P. Hart, D. Harrington, J. Hynes, J. Kavanagh, R. Kelly, M. Hendrick, J. Kenny, J. Malony, C. McCarthy, L. McCarthy, M. McCarthy, J. McCaffrey, P. Murphy, J. Norton, J. O'Brien, I. Russell, P. Ruddick, W. Simpson, G. Southwell, J. Spillane, P. Tobin, R. McCabe.</p>							<p>* Issued from quota of 100 rifled muskets received from Gen. Wright, July 18, 1862.</p> <p>BOND.—Received and approved by County Judge.</p>

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. E—Irish INVINCIBLES— Second Infantry Battalion..... Second Brigade, San M. A. Higgins..... Francisco, Organized..... May 17, 1862.	Michael Cody..... Patrick Creighton..... Sam M. A. Higgins..... Robert W. Dowling....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Dec. 15, 1862 May 21, 1862 May 21, 1862 Aug. 30, 1862	Dec. 5, 1862 May 17, 1862 May 17, 1862 Aug. 15, 1862	Second... Second... Second... Second...	58
<p>RANK AND FILE.—<i>Sergeants</i>—1st, J. Pierce; 2d, J. McCarty; 3d, J. Hamilton; 4th, T. Costigan. <i>Corporals</i>—1st, I. Kelley; 2d, W. Malor; 3d, K. Gavin; 4th, D. Lynch. <i>Privates</i>—J. Ahern, M. Brady, M. Burk, I. Coughlin, M. Conroy, J. Collins, M. Connor, J. Cassidy, J. M. Curley, P. Costello, T. Conner, J. Daley, R. Dowling, W. Doyle, T. Dwyer, J. E. Donovan, P. Donivan, G. Francis, J. Foley, M. Glynn, M. Gaffney, J. Gallher, P. Kenny, D. Kouny, J. Lynch, J. Lyons, T. Lean, M. McLeane, R. Morrow, W. Molowney, J. Mahoney, J. Mitchell, E. McGivrey, E. McQuillan, W. McCarty, P. Nugent, J. Sullivan, M. Stars, T. Spellman, J. E. Sheldon, T. Simonds, M. Splicey, J. Smith, W. Yore.</p>						
Arms, Accoutrements, and Appendages.						
Rifled Muskets*.....						48
Bayonet Scabbards.....						48
Cartridge Boxes and Plates.....						48
Cartridge Box Belts and Plates.....						48
Waist Belts.....						48
Waist Belt Plates.....						48
Cap Boxes.....						48
Gun Slings.....						48
Arm Chests.....						3
Box (packing).....						1
* Issued from quota of 100 rifled muskets received from General Wright, July 18, 1862.						
Bond.—Received and approved by County Judge.						

REPORT OF THE MILITARY FORCE--Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
V ALLEJO Rifles—(Unattached)— First Infantry Battalion. Second Brigade, Vallejo. Organized Sept. 8, 1861.	Frank Drake..... L. W. Bean..... James H. R. Barber... A. S. Campbell.....	Captain, First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Oct. 29, 1862 Oct. 29, 1862 Sept. 28, 1861 Oct. 29, 1862	Oct. 13, 1862 Oct. 13, 1862 Sept. 8, 1861 Oct. 13, 1861	Second.. Second.. Second.. Second..	60
RANK AND FILE.—Sergeants—1st, L. W. Bean ; 2d, S. S. Drake ; 3d, A. S. Campbell ; 4th, C. H. Ackerman ; 5th, W. H. Bennett.						
Corporals—1st, P. G. Henderson ; 2d, S. S. Drake ; 3d, H. Law ; 4th, T. Rodgers.						
Privates—II. Blackman, T. H. Chandler, H. Dexter, S. Dibble, J. Fletcher, E. Frisbie, J. Gwin, A. Gwin, W. H. Hussey, J. A. King, A. F. Lee, P. Lynch, P. N. Lonnegan, J. McElliot, C. Morris, F. J. Quant, W. I. Sargent.						
Arms, Accoutrements, and Appendages.						
Rifles.....						40
Bayonets.....						40
Bayonet Scabbards.....						40
Cartridge Boxes.....						40
Cartridge Box Belts.....						40
Cartridge Box Plates.....						40
Cartridge Box Belt Plates.....						40
Waist Belts.....						40
Waist Belt Plates.....						40
Cap Pouches.....						40
Gun Slings.....						40
Wipers.....						40
Extra Cones.....						40
Screwdrivers.....						40
Spring Vices.....						2
Ball Screws.....						4
Sergeants' Swords.....						4
Sergeants' Sword Belts.....						4
Sergeants' Sword Belt Plates.....						4
Swedges.....						2
Bullet Moulds.....						2
Arm Chests.....						2

Bond—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
UNION GUARD (Unattached)— First Infantry Battalion— Second Brigade, San José, Organized Octo- ber 5, 1861.	J. J. Owen	Captain	Sept. 2, 1862	July 28, 1862	Second...	21
	Alonzo B. Hamilton...	First Lieut.	Sept. 2, 1862	July 28, 1862	Second...	40
	San Charles P. Crittenden.	Sen. Sec. Lieut.	Oct. 26, 1861	Oct. 5, 1861	Second...	40
	Gustavo Brohaska.....	Jun. Sec. Lieut.	Oct. 26, 1861	Oct. 5, 1861	Second...	40
RANK AND FILE.— <i>Sergeants</i> —1st, J. Falkner; 2d, A. T. Coddington; 3d, W. R. Phipps; 4th, J. McCune. <i>Corporals</i> —1st, J. B. Manny; 2d, F. G. Hartman; 3d, A. Carrey; 4th, J. Sharp. <i>Privates</i> —D. Whitney, E. B. Wiles, T. Lilly, F. B. Bothwell, J. O. McKee, C. E. Allen, L. P. Peck, E. McGowan, L. Goodrich, G. Evans, E. J. Wilcox, D. M. Harwood, J. W. Simms, C. Morton, D. James, J. L. Fowler, J. A. Clayton, H. Sherwood, T. Campbell.						

Arms, Accoutrements, and Appendages.

Muskets.....	40
Bayonets.....	40
Bayonet Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Belts.....	40
Cartridge Box Plates.....	40
Cartridge Box Belt Plates.....	40
Cap Boxes.....	40
Wire Punches.....	40
Gun Slings.....	40
Wormers.....	40
Tompions.....	40
Ball Screws.....	4
Wipers.....	4
Spring Vices.....	4
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

BOND.—Approved and filed with County Judge.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
FIRST LIGHT DRAGONS— First Regiment, Second David Moore Brigade, San Francis-S. R. Tyler..... co. Organized June 26. John E. Hickburn..... 1852.	J. Sewell Reed..... David Moore	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	July 1, 1862 July 1, 1862 July 1, 1862 July 1, 1862	June 25, 1862 June 25, 1862 June 25, 1862 June 25, 1862	Second... Second... Second... Second...	61
RANK AND FILE.—Sergeants—1st, H. Kruse ; 2d, M. E. Fitz Gibbon ; 3d, R. I. Dodge. Corporals—1st, C. L. Taylor ; 2d, J. H. Ham ; 3d, W. H. Dingley ; 4th, J. Browning. Buglers—1st, W. H. Fish ; 2d, G. M. Bowen. Sergeant—I. Rowell. Privates—D. A. Avery, O. P. Boynton, T. Bell, J. N. Brooks, J. E. Blethen, F. Bailey, J. A. Brockman, C. T. Blake, W. Blake, N. T. Carpenter, A. Downs, D. L. Fernald, A. N. Grant, W. Gray, J. B. Holmes, S. E. Hutchings, J. D. Hutton, A. C. Hochbaum, J. Hudson, S. Hanson, H. Hook, H. Kimball, J. B. Lewellen, J. Leekie, J. Lyons, A. Leone, L. R. Mills, C. Main, R. Morton, J. McLean, D. Mead, A. Niles, S. Ofis, J. Ogilvie, A. C. Perkins, C. M. Plum, J. Pollard, S. B. Pike, G. M. Peterson, E. Stocking, D. C. Somers, W. Smith, J. Smith, W. Scott, S. P. Taylor, E. A. Watson, E. H. Winchester.						

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank Brigade.	Rank & File.
PETALUMA GUARDS— Infantry Battalion, Second Brigade, Petaluma. Or- ganized Feb. 11, 1866.	P. B. Hewlett..... William H. Hartman..... H. H. Hannan.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	May 20, 1862..... May 20, 1862..... June 27, 1861.....	April 5, 1862 Second... Feb. 11, 1862 Second... Feb. 11, 1861 Second... Second...	27
RANK AND FILE—Sergeants—1st, G. Lloyd; 2d, I. W. Harris; 3d, H. D. Gilbert; 4th, H. Ward. Musician—M. Rexford. Privates—A. M. Benjamin, F. Bray, G. W. Brooks, A. Crandall, J. D. Cross, W. R. Coburn, E. Collins, J. Davidson, W. N. Ferril, J. D. Gomar, V. Heck, F. Johnson, F. Kimberly, A. McCay, P. Peterson, H. Pimm, C. Rutherford, W. R. Scott, H. Vandoren.					

Arms, Accoutrements, and Appendages.

Muskets.....	40
Bayonets.....	40
Bayonet Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Belts.....	49
Cartridge Box Belt Plates.....	40
Cap Pouches.....	40
Screwdrivers.....	40
Waist Belts.....	40
Waist Belt Plates.....	40
Wormers.....	40
Tompions.....	40
Gun Slings.....	40
Wipers.....	40
Cartridge Box Plates.....	40
Ball Screws.....	4
Spring Vices.....	4
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

BoxD.—Approved and filed.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File,
WASHINGTON GUARD— Infantry Battalion, Second Brigade, Santa Rosa Organized Oct. 1, 1862.	W. A. Eliason..... O. T. Baldwin..... H. T. Hewitt..... N. W. Bostwick.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Oct. 24, 1862 Oct. 24, 1862 Oct. 24, 1862 Oct. 24, 1862	Oct. 1, 1862 Oct. 1, 1862 Oct. 1, 1862 Oct. 1, 1862	Second... Second... Second... Second...	50 50 50 50
RANK AND FILE.— <i>Sergeants</i> —1st, B. C. Westfall; 2d, William Wilks; 3d, C. Kessing; 4th, William E. Cowper; 5th, R. A. Temple. <i>Corporals</i> —1st, J. Linville; 2d, W. L. Wilson; 3d, W. H. Whitlock; 4th, W. Patterson. <i>Privates</i> —J. F. Kessing, G. R. Emerick, R. Grd. R. E. Smith, H. Klute, H. Gass, D. F. Dalton, G. P. Brown, W. W. Morrow, D. Roberts, P. D. Linville, H. D. Terry, W. P. Ball, S. H. Farmer, J. W. Town, P. N. Emerson, R. M. Martin, W. H. Mcnefee, J. Barry, J. A. Bradshaw, T. B. Hood, B. A. Smith, W. Teehan, J. Wintergartner.						

Arms, Accoutrements, and Appendages.			
Improved Muskets.....			60
Bayonets.....			60
Bayonet Scabbards.....			60
Cartridge Boxes.....			60
Cartridge Box Belts.....			60
Cartridge Box Plates.....			60
Cartridge Box Belt Plates.....			60
Waist Belts.....			60
Waist Belt Plates.....			60
Cap Pouches.....			60
Gun Slings.....			60
Screwdrivers.....			60
Wipers.....			60
Tompson's.....			60
Extra Cones.....			60
Nipple Punches.....			12
Ball Screws.....			6
Spring Vices.....			4
Sergeants' Swords.....			4
Sergeants' Sword Belts.....			4
Sergeants' Sword Belt Plates.....			2
Bullet Moulds.....			12
Wire Punches.....			12

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. A—TUOLUMNE GUARD— First Infantry Battalion, Third Brigade, Columbia. Organized Sept. 10, 1861.	Home, Ambrose E. Hooker ³ . Joseph E. Kuoner..... Stephen Wing..... M. C. Andrews.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 16, 1861 Sept. 16, 1861 July 26, 1862 Sept. 24, 1862	Sept. 10, 1861 Sept. 10, 1861 July 23, 1862 Sept. 6, 1862	Third..... Third..... Third..... Third.....	..... ..... ..... .....
RANK AND FILE.— <i>Sergeants</i> —1st, H. G. Stebbins; 2d, R. W. Hathaway; 3d, C. C. Call; 4th, G. McWilliams; 5th, J. White. <i>Corporals</i> —1st, N. M. Orr; 2d, J. Nichols; 3d, J. E. Douglass; 4th, J. W. Tuttle. <i>Secretary</i> —T. Westley. <i>Treasurer</i> —J. A. Gilman. <i>Drummers</i> —J. A. Brown, W. Colson, W. Davies, R. Fuller, A. McCambridge. <i>Privates</i> —E. G. Bacon, S. Barton, B. B. Bird, A. B. Beauvais, S. Currier, H. Corson, J. M. Cavis, A. M. Dobbie, T. G. Dedlow, J. M. Dornad, W. A. Davies†, G. R. Ellis, A. S. Emery, R. W. Ford, J. M. Haskell, Elston Hunt, S. A. Hunt, H. Harter, J. Horner, W. Hootman, J. K. Hunter, J. Graham, R. Love, J. Millington, J. Munroe, W. Mansfield, C. McCambridge, B. F. McCrellis, W. Nellis, P. O'Neil, J. B. Prevost, J. H. Plummer, R. C. Patton, V. R. Raymond, A. A. Riddle, A. Reinhart, J. Sill, C. F. Sherwood, J. A. Smith, S. E. Stewart, E. W. Shaw, J. H. Turner, J. A. Trainer, D. Van Vechten, D. B. Varney, J. C. Wilson, H. Wolfe, J. Warren.						
* Promoted to Lieutenant-Colonel First Infantry Battalion, Third Brigade, November 26, 1862. † Promoted to Assistant Adjutant-General, Third Brigade.						

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. D—JAMESTOWN GUARD—	Washington Bruce.....	Captain.....	Oct. 9, 1862	Sept. 29, 1862	Third.....	Rifled Muskets..... 40
First Infantry Battalion.	Alvin B. Woodward.....	First Lieut.....	Oct. 9, 1862	Sept. 29, 1862	Third.....	Bayonet Scabbards..... 40
Third Brigade.	James Lewis T. Stonieker.....	Sen. Sec. Lieut.....	Oct. 9, 1862	Sept. 29, 1862	Third.....	Cartridge Boxes and Plates..... 40
town. Organized Sep-	George D. Gookin.....	Jun. Sec. Lieut.....	Oct. 9, 1862	Sept. 29, 1862	Third.....	Waist Belts and Plates..... 40
tember 29, 1862.						Cap Boxes..... 40
						Gun Slings..... 40
						Screwdrivers..... 40
						Wipers..... 40
						Cone Picks..... 40
						Cartridge Box Belts and Plates..... 40
						Extra Cones..... 40
						Ball Screws..... 40
						Spring Vices..... 40
						Sergeants' Swords..... 40
						Sergeants' Sword Belts and Plates..... 2
						Arm Chests..... 2
						Packing Box..... 1

RANK AND FILE.—*Sergeants*—1st, W. Bradford; 2d, A. E. Raymond; 3d, S. B. Miner; 4th, P. B. Smith; 5th, W. F. Follenbee.

Company—1st, J. J. Vasconcellos; 2d, P. H. Snyder; 3d, J. H. Morris; 4th, T. McKeary.

Privates—C. M. Keefe, J. Crowley, F. Newcomer, C. Evans, H. C. Stone, J. Stauffer, A. Gross, J. N. Ryter, M. Parnell, G. W. Rogers, O. H. Bradbury, J. McIntyre, W. W. Simmons, W. F. Lee, A. R. Lewis, J. Cary, E. H. Woods, J. Rose, W. H. Love, W. Lottman, O. Boughton, W. Rowe, W. H. Libby, S. S. Stewart, C. L. Ingersoll, C. C. L. Metzger, E. McPhillips, W. J. Howes, F. Wilson, J. Hinsey, N. S. Young, G. A. Leland, L. Kewaga, A. Hineck, V. Wooters, G. Chapman, B. F. Butterfield, J. Smith, C. Weeks, A. K. Darrow, G. Lawton.

* Promoted to Major, First Infantry Battalion, Third Brigade, November 27, 1862.

BOND.—Approved and filed by County Judge.

* Promoted to Major, First Infantry Battalion, Third Brigade, November 27, 1862.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Co. E—TUOLUMNE GUARD— Third Brigade. Monte- zuma, Organized Octo- ber 11, 1862.	George Rodden..... Alpheus Young..... J. F. Miller..... William H. Gale.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Nov. 18, 1862 Nov. 18, 1862 Nov. 18, 1862 Nov. 18, 1862	Oct. 11, 1862 Oct. 11, 1862 Oct. 11, 1862 Oct. 11, 1862	Third.... Third.... Third.... Third....	..... ..... ..... .....
RANK AND FILE.— <i>Privates</i> —G. H. Andrews, P. Andre, R. Bellingham, J. Bruce, R. T. Barker, W. J. Beckwith, W. Cloutman, W. J. Clark, W. F. Colton, J. Clark, H. Carter, J. K. Denison, S. Dick, F. Duffy, J. Davis, S. Davis, D. J. Edgar, W. Follansbee, A. J. Ford, A. Fox, R. Follansbee, George Finch, J. A. Goodwin, P. Grogan, W. J. Hurst, C. P. Harris, J. A. Jansen, G. E. Jones, J. Jenkin, R. Lux, W. R. Mitchell, W. McClung, G. B. Neighbors, J. Neighbors, S. D. Nalle, C. W. Ollrich, G. Petersen, B. J. Swaney, S. Sayre, W. G. Smith, T. J. Stevens, J. E. Swaney, J. Slowey, S. Steele, T. H. Stone, J. Segur, E. Spencer, J. Stephen, J. Thorp, T. Thomsen, C. Thomsen, J. Welch, J. Weight, P. C. Yauger.						

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
STOCKTON UNION GUARD— Third Brigade, Stockton. Organized Sept. 7, 1861.	John H. Gilmore..... George Vaughn..... L. E. Lyon..... G. H. Hatch.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 2, 1862..... Sept. 2, 1862..... Sept. 2, 1862..... Sept. 2, 1862.....	Aug. 7, 1862..... Aug. 7, 1862..... Aug. 7, 1862..... Aug. 7, 1862.....	Third..... Third..... Third..... Third.....	..... ..... ..... .....	Musket Rifles 40 Bayonets..... 40 Bayonet Sabards..... 40 Cartridge Boxes..... 40 Cartridge Box Belts..... 40 Cartridge Box Belt Plates..... 40 Waist Belts..... 40 Waist Belt Plates..... 40 Cap Boxes..... 40 Gun Slings..... 40 Screwdrivers..... 40 Wipers..... 40 Tompons..... 40 Extra Cones..... 40 Ball Screws..... 8 Wire Punches..... 8 Spring Vices..... 4 Swedges..... 2 Sergeants' Swords..... 4 Sergeants' Sword Belts..... 4 Sergeants' Sword Belt Plates..... 4 O. S. Muskets..... 20 Gun Slings..... 20
<p>RANK AND FILE.—<i>Sergeants</i>—1st, W. Savage; 4th, E. F. Cadde; 5th, E. B. Bird. <i>Corporals</i>—1st, L. H. Blastell; 2d, D. Wayt; 3d, C. Pinkham; 4th, J. Stockwell. <i>Privates</i>—J. A. Anderson, J. Badger, J. C. Brant, C. Christin, W. Christin, W. Coombs, C. H. Covall, W. J. Carduff, W. Crockett, H. C. Dickson, G. E. Drew, W. Frazer, J. D. Holden, J. Hateick, W. P. Hazelton, W. W. Knapp, J. H. Miller, T. J. Murphey, G. S. Perry, J. Rolf, B. S. Rowe, C. Sedgwick, G. H. Shutze, J. Sheran, J. Sharrott, J. M. Thomas, V. P. Wilbert, W. Wilson, A. Baldwin, L. Nye.</p>							Boxd.—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
CALVERTS LIGHT GUARD—	A. H. Stevens.....	Captain.....	Oct. 7, 1862	Oct. 21, 1862	Third.....	.....
First Infantry Battalion, William P. Griffith.....	First Lieut.....	Mar. 19, 1862	Sept. 26, 1862	Third.....	.....	60
Third Brigade, Mur. A. P. Gordon.....	Sen. Sec. Lieut.....	Oct. 7, 1862	Aug. 21, 1862	Third.....	.....	60
phy's. Organized Aug. 24, 1862.	A. J. Berry.....	Jun. Sec. Lieut.....	Oct. 7, 1862	Aug. 21, 1862	Third.....	60

REMARKS.—No Muster Roll received from Brigadier-General, as required by law.

Arms, Accoutrements, and Appendages.

Boxd.—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
UNION GUARD— Third Brigade, Campo Organized June 1, 1861.	T. Frank Davis..... William H. Homans... John B. Sparks..... Alexander McWha.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 24, 1862 Sept. 24, 1862 Sept. 24, 1862 Sept. 24, 1862	Sept. 12, 1862 Sept. 12, 1862 Sept. 12, 1862 Sept. 12, 1862	Third..... Third..... Third..... Third.....	..... ..... ..... .....
<p>RANK AND FILE.—<i>Sergeants</i>—1st, Thomas H. Peck; 2d, W. Whetstone; 3d, J. Browning; 4th, E. Zigler; 5th, J. Lewis.</p> <p><i>Corporals</i>—1st, W. Park; 2d, E. Perkins; 3d, J. H. Wells; 4th, A. Copenhaver.</p> <p><i>Piper</i>—J. McCoy.</p> <p><i>Drummer</i>—W. Miller.</p> <p><i>Privates</i>—W. Anderson, B. E. Brown, S. Barnard, H. Baxter, E. B. Beeson, J. Creighton, M. Compton, J. Donaldson, J. Emerson, W. Hartly, H. Luse, H. A. Messenger, J. McMillen, D. B. McDonald, D. B. Nye, A. H. Powers, T. Park, F. E. Russworm, J. White, W. A. Waddell, L. Zigler.</p>						
<p>Arms, Accoutrements, and Appendages.</p> <p>Rifled Muskets..... 40</p> <p>Bayonets..... 40</p> <p>Bayonet Scabbards..... 40</p> <p>Cartridge Boxes..... 40</p> <p>Cartridge Box Belts..... 40</p> <p>Cartridge Box Plates..... 40</p> <p>Cartridge Box Belt Plates..... 40</p> <p>Waist Belts..... 40</p> <p>Waist Belts and Plates..... 40</p> <p>Gun Slings..... 40</p> <p>Cap Pouches..... 40</p> <p>Gun Screwdrivers..... 40</p> <p>Wipers..... 40</p> <p>Tompions..... 40</p> <p>Extra Cones..... 40</p> <p>Cone Picks..... 40</p> <p>Ball Screws..... 4</p> <p>Spring Vices..... 4</p> <p>Tumbler and Spring Punches..... 8</p> <p>Sergeants' Swords..... 4</p> <p>Sergeants' Sword Belts..... 4</p> <p>Sergeants' Sword Belt Plates..... 4</p>						
Bond.—Approved and filed by County Judge.						

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
ANGELS GUARD— Third Brigade. Camp. Organized March 24, 1862.	P. W. Scribner. Angel's B. R. Coon. Robert Patterson. George Stickie.	Captain. First Lieut. Sen. Sec. Lieut. Jun. Sec. Lieut.	Sept. 15, 1862 Sept. 15, 1862 Mar. 28, 1862 Mar. 28, 1862	Aug. 23, 1862 Aug. 23, 1862 Mar. 24, 1862 Mar. 24, 1862	Third Third Third Third	59
<p>RANK AND FILE.—<i>Sergeants</i>—A. Bourdon; A. J. Collie; W. Hancock; T. H. Monday. <i>Corporals</i>—J. Anderson; J. Finnegan; T. S. Lindsey; E. Stickie. <i>Privates</i>—C. Briggs; S. Barringer; A. J. Burns; E. Bush; J. A. Creaser; R. E. Cummins; J. Castor, W. B. Chaflin, W. Claxton, H. Goldwaite, J. B. Hennings, W. Hill, W. A. Kelley, J. Klemp, F. W. Leeman, H. Lion, L. Lion, S. Lion, T. L. Lindsey, R. Leeper, H. Myers, F. H. Moore, J. Maxwell, B. P. Moody, E. Purdy, J. Reeves, M. B. Reed, J. C. Scribner, S. Spindle, J. M. Shade, W. Tait, A. J. Thompson, A. G. Tryon, B. Underhill, E. K. Waterman, T. J. Whitney, J. Weigel.</p>						
<p>Arms, Accoutrements, and Appendages, Rifle Muskets..... 40 Bayonet Scabbards..... 40 Cartridge Boxes and Plates..... 40 Cartridge Box Belts and Plates..... 40 Waist Belts and Plates..... 40 Cap Boxes..... 40 Gun Slings..... 40 Screwdrivers..... 40 Wipers..... 40 Extra Cones..... 40 Cone Picks..... 40 Ball Screws..... 4 Spring Vices..... 4 Bullet Moulds..... 2 Sergeants' Swords..... 4 Sergeants' Sword Belts and Plates..... 4 Arm Chests..... 2 Packing Box..... 1</p>						
Boxd.—Approved and filed with County Judge.						

REPORT OF THE MILITARY FORCE—Continued,

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
SHIELDS' GRAP—	H. Fitzsimmons.....	Captain.....	Aug. 29, 1861	Aug. 3, 1861	Fourth...	60
Fourth Brigade, Forest	M. Phelan.....	First Lieut.....	Aug. 29, 1861	Aug. 3, 1861	Fourth...	60
Hill. Organized August	Thomas Fox.....	Sen. Sec. Lieut.....	Aug. 29, 1861	Aug. 3, 1861	Fourth...	60
3, 1861.	E. P. Dunne.....	Jun. Sec. Lieut.....	Aug. 29, 1861	Aug. 3, 1861	Fourth...	60

RANK AND FILE.—*Sergeants*—1st, B. Grant; 2d, D. Farrey; 3d, A. Kock; 4th, C. Monaghan.

Corporals—1st, F. Nund; 2d, L. McGuire; 3d, P. Daley; 4th, J. Williams.

Privates—J. Armstrong, W. Albers, J. Braum, J. Brener, M. Cantwell, Sr., M. Cantwell, Jr., H. Clark, N. D. Craner, J. Connelly, M. Cullen, B. Casey, H. Carston, A. Dempewolf, T. Ennis, E. Ellendale, T. Fox, D. Fannon, M. Fitzpatrick, P. Gallagher, J. F. Groff, D. Hyland, J. Hanrahan, L. Levin, P. Lawler, J. McGong, A. McDonald, D. McGrath, G. McKay, B. McKennon, N. M. Nutt, D. Neykirk, P. Riley, J. Ray, D. Sullivan, J. F. Smith, C. Sullivan, B. K. Sheridan, F. Sheridan, Daniel Sullivan, E. Sumner, W. Ward, T. Ward, A. Eddington, W. D. Dunn, O'Rourke, R. Durand, J. Sullivan, J. Lochman,

Arms, Accoutrements, and Appendages.	
Minié Rifles.....	60
Bayonets.....	60
Bayonet Sabres.....	60
Cartridge Boxes.....	60
Cartridge Box Belts.....	60
Cartridge Box Plates.....	60
Cartridge Box Belt Plates.....	60
Waist Belts.....	60
Waist Belt Plates.....	60
Cap Boxes.....	60
Gun Slings.....	60
Screwdrivers.....	60
Wipers.....	60
Tompons.....	60
Extra Cones.....	60
Nipple Punches.....	60
Ball Screws.....	60
Spring Vices.....	60
Swedges.....	22
Sergeants' Swords.....	22
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

BOND.—Approved and filed by County Judge.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
FOREST HILL GUARDS— Fourth Brigade. Forest Hill. Organized Octo- ber 8, 1862.	Albert N. Davison.....	Captain.....	Oct. 27, 1862	Sept. 2, 1862	Fourth...	.....
	E. F. Hoyt.....	First Lieut.....	Oct. 18, 1861	Oct. 8, 1861	Fourth...	.....
	F. Thayer.....	Sen. Sec. Lieut.....	Oct. 18, 1861	Oct. 8, 1861	Fourth...	.....
	R. J. P. Craig.....	Jun. Sec. Lieut.....	Oct. 18, 1861	Oct. 8, 1861	Fourth...	.....
RANK AND FILE— <i>Sergeants</i> —1st, J. F. Angell; 2d, J. Friedlander; 3d, W. Muir; 4th, J. Elsey. <i>Corporals</i> —1st, W. C. Smith; 2d, M. Egan; 3d, F. Durker; 4th, S. C. Smith. <i>Privates</i> —H. D. Aikens, J. Borland, D. Brown, J. M. Bayles, M. W. Craig, J. Coulton, J. Covington, T. Cunningham, C. Daggett, A. Eli, W. A. Freeman, W. Forest, G. W. Getchell, H. F. Jewett, T. M. Johnson, W. Keung, T. Lemmon, S. Montgomery, E. B. Moore, N. Nims, S. Ogden, H. Pringle, G. H. Pargee, W. Rea, C. Raudiette, J. Reynorsen, E. Steele, B. Steel, W. W. Towse, J. B. Wilson, W. O. Weed, P. M. Worthingham, C. Jenny, J. Roland, R. J. P. Craig.						

Arms, Accoutrements, and Appendages.

Rifled Muskets.....	60
Bayonets and Scabbards.....	60
Cartridge Boxes and Plates.....	60
Cartridge Box Belts and Plates.....	60
Waist Belts and Plates.....	60
Cap Boxes.....	60
Screwdrivers.....	60
Tompions.....	60
Extra Cones.....	60
Wire Punches.....	12
Ball Screws.....	3
Spring Vices.....	3
Sergeants' Swords.....	4
Sergeants' Sword Belts and Plates.....	4
Sergeants' Sword Belts.....	4
Bullet Moulds.....	2

REPORT OF THE MILITARY FORCE—Continued.

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Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
PACIFIC GUARD— Fourth Brigade. Flat, Organized October 15, 1861,	C. M. Kopp W. H. Calderwood L. M. Parker E. Warner	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Oct. 16, 1862 Oct. 16, 1862 Oct. 16, 1862 Oct. 16, 1862	April 7, 1862 April 7, 1862 April 7, 1862 April 7, 1862	Fourth... Fourth... Fourth... Fourth...	..... ..... ..... .....
<p>RANK AND FILE.—<i>Sergeants</i>—1st, J. M. Locke; 2d, G. C. Bowker; 3d, W. M. Burton; 4th, J. F. Staples. <i>Corporals</i>—1st, G. F. Mathewson; 2d, J. Calderwood; 3d, vacant; 4th, J. M. Moody, <i>Quartermaster Sergeant</i>—W. Boker, <i>Privates</i>—E. B. Boust, R. W. Blanchard, J. Briebell, T. Cooper, J. Carr, J. Foster, H. H. Greeley, S. B. Harriman, A. Hemphill, G. B. Hobbs, J. Hilton, J. Haggert, D. Irwin, E. E. Johnson, F. Jamieson, C. E. Meader, B. F. Moose, Munroe, C. W. Miller, J. Norcross, G. Ormsby, G. Pickett, J. Shultz, J. Teaffe, A. Toule, D. Y. Thomas, E. Thomas, E. Van Slyke, J. H. Willets.</p>						

Arms, Accoutrements, and Appendages.

Rifles*	40
Cartridge Boxes and Plates.....	40
Waist Belts and Plates.....	40
Cap Boxes.....	40
Gun Slings.....	40
Screwdrivers.....	40
Wipers.....	40
Cone Picks.....	40
Extra Cones.....	4
Spring Vices.....	4
Bullet Moulds.....	2
Arm Chests.....	4
Ball Screws.....	4
Box (packing).....	1

* Issued from quota of three hundred rifles received from General Wright, September 27th, 1862.

BOND.—Approved and filed by County Judge.

Arms, Accoutrements, and Appendages.

Rifled Muskets	40
Bayonet Scabbards	40
Cartridge Box Belts and Plates	40
Cartridge Boxes and Plates	40
Cap Boxes	40
Gun Slings	40
Screwdrivers	40
Wipers	40
Extra Cones	40
Waist Belts and Plates	40
Cone Picks	40
Ball Screws	4
Spring Vices	4
Sergeants' Swords	4
Sergeants' Sword Belts and Plates	2
Arm Chests	2
Box Packing	1

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank	Brigade.	Rank & File.
UNION CORPS— Fourth Brigade, Michigan Bluffs, Organized April 22, 1862.	William B. McGuire... O. G. Spaulding..... James Blackburn	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	May 21, 1862 May 21, 1862 May 21, 1862 May 21, 1862	April 22, 1862 April 22, 1862 April 22, 1862 April 22, 1862	Fourth... Fourth... Fourth... Fourth...	..... ..... ..... .....

RANK AND FILE.—*Sergeants*—1st, J. Dilts; 2d, O. Seer; 3d, M. Ryan; 4th, S. Collins.
Corporals—1st, J. P. Terney; 2d, N. Gribben; 3d, W. Farrier; 4th, W. W. Davis.
Privates—C. L. Smiley, C. S. Swinson, D. Campbell, D. Davis, E. R. Waring, F. Hogan, G. W. Drain, H. Buck,
 J. D. McCormick, J. Burns, J. Kelley, J. Smith, J. Leday, J. W. Dunn, J. Hemphill, J. Hotchkiss, J. Kirk, J.
 Morse, J. Taylor, J. M. Brown, J. W. Richards, J. Helmb, M. Dooley, M. C. Baker, M. Beaman, P. Crosby, R.
 Powers, S. Syphers, T. Burk, W. K. Dilts, W. Maxwell, A. B. Kizer.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Roll & File.
NEVADA RIFLES—	W. P. Harrington.....	Captain.....	July 6, 1861	Feb. 28, 1861	Fourth...	.....
Fourth Brigade, Nevada.	T. W. Sigourney.....	First Lieut.....	July 6, 1861	Feb. 28, 1861	Fourth...	.....
Organized 1859.	A. W. Potter.....	Sen. Sec. Lieut.	July 6, 1861	Feb. 28, 1861	Fourth...	.....
	A. G. Pier.....	Jun. Sec. Lieut.	July 6, 1861	Feb. 28, 1861	Fourth...	.....

REMARKS.—No Muster Roll received from Brigadier-General, as required by law.

Arms, Accoutrements, and Appendages.

Rifles	40
Rifle Bayonets.....	40
Bayonet Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Belts.....	40
Cartridge Box Belt Plates	40
Cap Pouches.....	40
Waist Belts.....	40
Waist Belt Plates.....	40
Screwdrivers.....	40
Extra Cones.....	40
Wormers.....	40
Wire Punches.....	40
Spring Vices.....	8
Bullet Moulds.....	4
Swedges.....	2
Ball Screws.....	4
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

BOND.—Approved and filed by County Judge.

Name of Company.	Officers,	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
FOREST RIFLES— Fourth Brigade, Forest City, Organized January, 1850.	J. H. Hall..... E. Doliver..... Thomas Roper..... A. H. Breed.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	June 28, 1861 June 28, 1861 June 28, 1861 June 28, 1861	Jan. 26, 1861 Jan. 26, 1861 Jan. 26, 1861 June 21, 1861	Fourth.... Fourth.... Fourth.... Fourth....	..... ..... ..... .....

REMARKS.—No Muster Roll received from Brigadier-General, as required by law.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Ranks File.
NATIONAL GUARD— Fourth Brigade, Downie- ville, Organized August 10, 1857.	R. H. Taylor..... Charles Cochran..... Otto Hassmann..... W. S. Day.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Oct. 9, 1861 Oct. 9, 1861 Oct. 9, 1861 Oct. 9, 1861	Sept. 28, 1861 Sept. 28, 1861 Sept. 28, 1861 Sept. 28, 1861	Fourth .. Fourth .. Fourth .. Fourth ..	....................

REMARKS.—No Muster Roll received from Brigadier-General, as required by law.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
MARYSVILLE RIFLES— Fourth Brigade. Marys- ville. Organized Au- gust, 1859.	B. Eilerman..... Charles E. Osborne..... A. A. Gibson..... Ezra Brow.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Nov. 18, 1862 Nov. 26, 1862 Nov. 26, 1862 Nov. 18, 1862	Nov. 3, 1862 Nov. 3, 1862 Nov. 3, 1862 Nov. 3, 1862	Fourth... Fourth... Fourth... Fourth...	..... ..... ..... .....
<p>RANK AND FILE.—<i>Sergeants</i>—1st, E. Brow; 2d, G. A. Miller; 3d, F. A. Whitney; 4th, C. F. Zimmermann; 5th, J. Volf.</p> <p><i>Corporals</i>—1st, C. F. Lucas; 2d, F. Myers; 3d, Varnum; 4th, J. Maguire.</p> <p><i>Private</i>—J. Knouf.</p> <p><i>Drummers</i>—C. N. Holcombe, R. B. Gill.</p> <p><i>Privates</i>—C. Andres, W. D. Bray, J. Brown, G. A. Bowen, F. Chinn, H. W. Coolidge, H. Carroll, D. Crane, P. Conroy, J. Coffman, J. Critian, J. Cook, J. Carr, H. Demott, D. Deeth, H. Eilerman, G. Eastman, A. Gibson, F. Grass, H. Hanson, S. N. King, J. Lyons, T. Large, J. Lawless, J. O'Brien, W. S. Quinn, E. M. Root, H. Ricker, E. J. Riley, F. E. Rice, A. G. Randall, G. Rodgers, J. H. Ransons, J. Snow, C. F. Scholl, G. L. Stran- dard, N. J. Sansom, C. Stearns, H. Seiss, C. P. Simmons, A. W. Torrey.</p>						

Arms, Accoutrements, and Appendages.

Rifles.....	40
Bayonets.....	40
Bayonet Scabbards.....	40
Cartridge Boxes.....	40
Cartridge Box Belts.....	40
Cartridge Box Plates.....	40
Cartridge Box Belt Plates.....	40
Waist Belts.....	40
Waist Belt Plates.....	40
Cap Pouches.....	40
Gun Slings.....	40
Wipers.....	40
Screwdrivers.....	40
Wormers.....	40
Ball Screws.....	4
Spring Vices.....	4
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

Bound.—Approved and filed by County Judge.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
VOLCANO BLTES— Fourth Brigade. Volcano. Organized July 13, 1861.	James Adams.....	Captain.....	Dec. 5, 1862	Nov. 13, 1862	Fourth....	.....
	Charles Wilson.....	First Lieut.....	Dec. 5, 1862	Nov. 18, 1862	Fourth....	.....
	E. A. Kingsley.....	Sen. Sec. Lieut.....	July 24, 1861	July 13, 1861	Fourth....	.....
	D. A. Patterson.....	Jun. Sec. Lieut.....	Dec. 5, 1862	Nov. 18, 1862	Fourth....	.....
REMARKS—No Master Roll received from Brigadier-General, as required by law.						
<div>Arms, Accoutrements, and Appendages.</div> <div> Muskets..... 60 Bayonets..... 60 Bayonet Scabbards..... 60 Cartridge Boxes..... 60 Cartridge Box Belts..... 60 Cartridge Box Plates..... 60 Waist Belts..... 60 Waist Belt Plates..... 60 Gun Slings..... 60 Cap Pouches..... 60 Screwdrivers..... 60 Wormers..... 60 Tompons..... 60 Extra Cones..... 60 Cartridge Box Belts and Plates..... 60 Spring Vices..... 6 Sergeants' Swords..... 4 Sergeants' Sword Belts..... 4 Sergeants' Sword Belts and Plates..... 4 Wire Punches..... 12 Ball Screws..... 12 </div> <div> Bond.—Approved and filed with County Judge. </div>						

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
NATIONAL GUARD— Fourth Brigade, Sacra- mento, Organized Octo- ber 7th, 1862.	L. L. Baker.....	Captain.....	Oct. 16, 1862	Oct. 7, 1862	Fourth...	.....	Rifle Muskets..... 60
	.....	First Lieut.....	.....	.....	Fourth...	.....	Rifle Bayonets..... 60
	.....	Sen. Sec. Lieut.....	Oct. 16, 1862	Oct. 7, 1862	Fourth...	.....	Cartridge Boxes..... 60
	.....	.....	.....	.....	.....	.....	Cartridge Box Plates..... 60
	Prescott Robinson.....	Jun. Sec. Lieut.....	Oct. 16, 1862	Oct. 7, 1862	Fourth...	.....	Cartridge Box Belts..... 60
RANK AND FILE.— <i>Sergeants</i> —1st, J. Talbot; 2d, J. Foley; 3d, R. H. Daley; 4th, P. Coggins; 5th, M. L. Templeton.							Cartridge Box Belts and Plates..... 60
<i>Corporals</i> —1st, J. D. W. Garretson; 2d, W. Bidwell; 3d, F. Avery; 4th, F. Prentiss.							Waist Belts..... 60
<i>Privates</i> —J. N. Andrews, D. E. Allison, G. Abbey, J. Baker, D. Bush, J. Bynes, H. C. Brown, Newton Booth, D. Coffee, H. C. Clapp, D. S. Curtis, H. E. Dixon, J. Campbell, G. Callihan, J. Clark, W. T. Crowell, M. M. Estee, J. S. Ellison, A. C. Folger, R. M. Folger, J. R. Farris, A. A. Flint, J. Gates, J. Guinean, T. Guinean, D. W. Gardner, Z. R. Harsum, L. Harrington, S. H. Higgins, W. H. Halsey, J. G. Haine, S. S. Holl, S. Harrington, D. Hite, F. R. Jones, C. C. Jenks, J. Marlborough, E. McGrew, G. H. Mallard, J. Morrill, M. L. Merrill, G. Merrill, J. McClatchy, J. E. Mooney, J. Metcalvin, J. Mitger, A. Prentiss, G. L. Prentice, Frank Prentice, W. Potter, E. F. Reed, D. L. Rodgers, E. J. Robinson, — Robinson, J. Rierdon, J. Steinman, E. Soule, G. W. Soule, J. Simpson, C. A. Stevens, G. C. Smith, G. Smith, J. Sweeney, C. B. Upton, F. Vandemark, M. L. Wallace, M. Williams, T. Wilson, J. H. Warwick, G. W. Whitney, J. Welch, T. B. White, E. Washburne, G. Welch, J. Welty, J. Yost, J. D. Young.							Cap Boxes..... 60
							Gun Slings..... 60
							Screwdrivers..... 60
							Wipers..... 60
							Tompions..... 60
							Extra Cones..... 60
							Wire Punches..... 12
							Ball Screws..... 6
							Spring Vices..... 6
							Sergeants' Swords..... 5
							Sergeants' Sword Belts... 5
							Sergeants' Sword Belts and Plates..... 5
							Arm Chests..... 3
							Box (packing)..... 1
							Bullet Moulds..... 2
							Bond.—Approved and filed with County Judge.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
Piagetville Guard— Fourth Brigade. Placer-ville. Organized February 22, 1862.	Michael Shearer..... John D. Hoop..... John F. Pinkham..... J. M. Kinney.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Mar. 11, 1862..... Mar. 11, 1862..... Mar. 11, 1862..... Mar. 11, 1862.....	Feb. 22, 1862..... Feb. 22, 1862..... Feb. 22, 1862..... Feb. 22, 1862.....	Fourth..... Fourth..... Fourth..... Fourth.....	..... ..... ..... .....

REMARKS.—No Master Roll received from Brigadier-General, as required by law.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
SUTTER CREEK VOLUNTEERS— Fourth Brigade. Sutter Creek. Organized September 6, 1861.	William Trump..... James Davison..... C. L. Baird..... P. L. Moon.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 10, 1861..... Sept. 10, 1861..... Sept. 10, 1861..... Sept. 10, 1861.....	Sept. 6, 1861..... Sept. 6, 1861..... Sept. 6, 1861..... Sept. 6, 1861.....	Fourth..... Fourth..... Fourth..... Fourth.....	..... ..... ..... .....

REMARKS.—No Muster Roll received from Brigadier-General, as required by law.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
PLACER COUNTY MOUNTAIN- EERS— Fourth Brigade, Forest Hill. Organized —.	David S. Whiting..... Thomas A. Young..... James Marron.....	Captain..... First Lieut..... Sen. Sec. Lieut. Jun. Sec. Lieut.	Sept. 19, 1861 Sept. 19, 1861 Sept. 19, 1861	Sept. 17, 1861 Sept. 17, 1861 Sept. 17, 1861	Fourth... Fourth... Fourth... Fourth...	46
RANK AND FILE.— <i>Sergeants</i> —1st, C. O. Bush ; 2d, E. Mayfield ; 3d, G. Y. Carr ; 4th, J. Jones. <i>Corporals</i> —1st, J. McInerney ; 2d, H. F. Smith ; 3d, J. G. Herrin ; 4th, W. McPherson. <i>Privates</i> —Z. Buoy, E. Clapp, A. M. Edington, J. Penal, A. Linton, T. W. Nelson, E. J. Brewer, A. Root, G. C. Stevenson, D. Sullivan, L. Nickerson, F. Earls, E. Shears, J. Young, J. Armstrong, J. Manix, P. Walsh, L. McGinn, D. McGrath, E. Eidinger, J. Dodd, R. McMiller, C. B. Huse, C. R. Williams, J. Hulsey, P. W. Gorden, J. Lohmann, R. Nelson, A. Gordon, P. E. Smith, J. W. H. Klin, A. C. Howell, P. Daly, M. Norcut, C. A. Munson, E. Nutman, G. Maye, A. Pinkney, W. Richards, D. Palmer, R. Numan, T. Wilder, M. Martin, R. Aimes, T. A. Youngs.						

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank	Brigade.	Rank & File.
Oroville Guard— Fifth Brigade.	A. H. Connelly..... H. B. Hunt.....	Captain..... First Lieut.....	July 24, 1861 July 24, 1861	July 8, 1861 July 8, 1861	Fifth..... Fifth.....	Masks..... 40 Bayonets..... 40 Bayonet Scabbards..... 40 Cartridge Boxes..... 40 Cartridge Box Plates..... 40 Cartridge Box Belts..... 40 Waist Belts..... 40 Cartridge Box Belt Plates..... 40 Gun Slings..... 40 Cap Pouches..... 40 Wipers..... 40 Warmers..... 40 Tompons..... 40 Extra Cones..... 40 Ball Screws..... 40 Spring Vices..... 40 Sergeants' Swords..... 40 Sergeants' Sword Belts..... 40 Sergeants' Sword Belt Plates..... 40 Bullet Mould..... 1
Organized July 8, 1861. OROVILLE GUARD— Fifth Brigade.	D. C. Burlingame..... W. W. Hobart.....	Sen. Sec. Lieut..... Jun. Sec. Lieut.....	July 24, 1861 July 24, 1861	July 8, 1861 July 8, 1861	Fifth..... Fifth.....	
RANK AND FILE.—Sergeants—1st, J. H. Simmons; 2d, J. J. Smith; 3d, J. Boucher; 4th, I. Proctor, 5th, A. Leard.						
Corporals—1st, S. S. Sample; 2d, J. Little; 3d, A. K. Hall; 4th, T. H. Harris.						
Privates—D. M. Bishop, H. Bay, J. J. Collins, G. H. Crossett, M. H. Darrach, H. P. Downer, G. W. Dyer, J. M. Eveleth, P. Freer, J. Foster, N. Goldstein, E. B. Hendee, B. F. Jones, H. B. Lathrop, Sen., H. B. Lathrop, Jr., J. V. Parks, M. Raymond, G. F. Shaw, W. Sanders, P. Scriber, W. B. Spencer, J. A. Wardwell, H. D. Ward, C. Wollob,						

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Rank & File.		Arms, Accoutrements, and Appendages.
					Brigade.	File.	
PLUMAS RANGERS— Fifth Brigade. Plumas, Organized December 1, 1855.	R. J. Barnett.....	Captain.....	April 28, 1859	.....	Fifth.....	.....	Muskets..... 60
	W. D. Sawyer.....	First Lieut.....	April 28, 1859	.....	Fifth.....	.....	Bayonets..... 60
	S. S. Vaughn.....	Sen. Sec. Lieut.....	April 28, 1859	.....	Fifth.....	.....	Bayonet*Scabbards..... 60
	P. O. Hundly.....	Jun. Sec. Lieut.....	April 28, 1859	.....	Fifth.....	.....	Cartridge Boxes..... 60
							Cartridge B x Belts..... 60
							Cartridge Box Plates..... 60
							Cartridge Box Belt Plates..... 60
							Waist Belts..... 60
							Waist Belt Plates..... 60
							Gun Slings..... 60
							Screwdrivers..... 60
							Wormers..... 60
							Cap Pouches..... 60
							Tompson's..... 60
							Extra Cones..... 60
							Ball Screws..... 6
							Spring Vices..... 6
							Spring Punches..... 12
							Sergeants' Swords..... 4
							Sergeants' Sword Belts..... 4
							Sergeants' Sword Belt Plates..... 4

REMARKS.—No returns from this Company have been received, and its officers have not complied with the requirements of the new law. I have attempted, by correspondence, to obtain the arms, but without avail. No appropriation having been made for transporting or collecting arms, I have been compelled to rely upon correspondence alone, both with officers and bondsmen, with no success.

REPORT OF THE MILITARY FORCE—Continued,

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
Crescent City Guard— Sixth Brigade. Crescent City. Organized August 19, 1861.	John P. Haynes..... Richard Duncan..... James K. Johnson..... Jasper Houck.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Sept. 10, 1861..... Sept. 10, 1861..... Sept. 10, 1861..... Sept. 10, 1861.....	Aug. 19, 1861..... Aug. 19, 1861..... Aug. 19, 1861..... Aug. 19, 1861.....	Sixth..... Sixth..... Sixth..... Sixth.....	..... ..... ..... .....
<p>RANK AND FILE.—<i>Sergeants</i>—1st, T. P. Baxter; 2d, F. Meyers; 3d, J. G. Wall; 4th, E. L. Magruder. <i>Corporals</i>—1st, B. F. Davis; 2d, G. W. Russell; 3d, J. Donovan; 4th, W. A. Hamilton. <i>Privates</i>—J. D. Allen, F. Burchell, M. Brannon, J. Boyen, W. Collins, J. E. Eldredge, A. Fischerman, J. H. Gordon, M. Green, S. Hahn, W. C. Harker, M. V. Jones, F. Knox, G. J. Magruder, J. Mashoffter, M. Selig, E. Sellich, D. S. Sartwell, G. Terrill, W. H. Woodbury, H. Orman.</p>						
Arms, Accoutrements, and Appendages.						40
O. S. Rifled.....						40
Cartridge Boxes.....						40
Plates.....						40
Gun Slings.....						25
Extra Cones.....						20
Screwdrivers.....						10
Spring Vice.....						1
Ball Screw.....						1
Bd.—Filed and approved by County Judge.						

Arms, Accoutrements, and Appendages.

Issued August 18, 1862.

Improved Rifles	50
Bayonet Scabbards.....	40
Sword Bayonets.....	26
Cartridge Boxes.....	40
Cartridge Box Belts and Plates.....	50
Cap Boxes.....	50
Gun Slings.....	47
Screwdrivers	20
Wipers.....	20
Cone Picks.....	50
Extra Cones.....	29
Ball Screws.....	3
Bullet Moulds.....	2
Sledge.....	1
Arm Chests.....	2
Boxes (packing).....	4
Waist Belt and Plates	10
Spring Vices.....	2

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
DOUGLAS CITY RIFLES— Sixth Brigade. Douglas City. Organized Octo- ber 19, 1861.	John H. Hough.....	Captain.....	Oct. 24, 1861	Oct. 19, 1861	Sixth.....	.....
	Charles Stanhope.....	First Lieut.....	Oct. 24, 1861	Oct. 19, 1861	Sixth.....	.....
	Edward D. Swift.....	Sen. Sec. Lieut.....	Nov. 8, 1862	Nov. 2, 1862	Sixth.....	.....
	Benjamin F. Flinn.....	Jun. Sec. Lieut.....	Nov. 8, 1862	Nov. 2, 1862	Sixth.....	.....
<p>RANK AND FILE—<i>Sergeants</i>—1st, C. Lohdell; 2d, D. Kenoyer; 3d, E. D. Swift; 4th, C. W. Soule. <i>Corporals</i>—1st, S. F. Fogg; 2d, E. B. Powell. <i>Drummer</i>—J. D. Wales. <i>Fifer</i>—T. C. Jones. <i>Privates</i>—J. D. Alexander, S. D. Adams, M. R. Bean, E. Debinsky, E. W. Day, J. F. Dollif, C. W. Donis, L. Eber, A. R. Earl, A. R. Elsy, B. F. Flinn, F. S. Fuller, F. Genlay, R. Hughes, W. Hines, E. Hall, J. J. Kellogg, H. Lawrence, H. W. Leonard, J. N. Merrill, E. Mussey, W. J. Myriek, W. S. Marsh, J. Neaman, M. D. Ochelace, W. Puddlefield, L. J. Palmer, A. Parker, M. W. Personett, D. Ripley, W. Sudwick, G. C. Scors, E. Smith, N. S. Smith, J. Safford, B. F. Track, A. Taylor, G. Thayer, E. Wheeler, I. White, D. Walls.</p>						

REPORT OF THE MILITARY FORCE--Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
EUREKA RIFLES— Sixth Brigade.	Charles W. Long.....	Captain.....	July 18, 1862	June 26, 1862	Sixth.....	.....
Eureka.	Geo. W. Huestis.....	First Lieut.....	July 18, 1862	June 26, 1862	Sixth.....	.....
Organized June 26, 1862.	A. W. Hanna.....	Sen. Sec. Lieut.	July 18, 1862	June 26, 1862	Sixth.....	.....
	H. S. Soule.....	Jun. Sec. Lieut.	July 18, 1862	June 26, 1862	Sixth.....	.....

RANK AND FILE.—*Sergeants*—1st, A. Hansell; 2d, J. Hanna; 3d, J. T. Best; 4th, P. Lawless; 5th, S. G. Whipple.

Privates—1st, J. Clark; 2d, J. H. Davis; 3d, S. M. Buek; 4th, J. S. Manley.

Privates—B. Adams, W. S. Brock, M. H. Baldwin, J. H. Brass, A. E. Brown, C. Barber, J. Chapman, W. Carson, J. De Haven, J. Dawson, J. Dean, M. Eddy, F. H. Fuss, A. Fisher, O. J. Gates, K. N. Geare, C. G. Gardner, W. F. Huestis, J. C. Hanna, J. S. Hughes, W. P. Hanna, T. Hart, C. Jackson, J. B. Knisely, J. H. Kimball, J. Kecheer, F. S. Knight, H. D. Ley, J. B. Le Min, J. McLaughlin, G. McFarland, C. Moore, H. C. Morse, J. Murphy, A. McKay, C. F. Macy, D. W. Nixon, E. L. Newell, W. H. Pratt, D. Pickard, J. C. Parker, L. Queer, W. I. Reed, T. Ricks, C. Raymond, P. H. Ryan, W. J. Sweasey, S. Schon, P. Shaanon, F. Tomlinson, C. L. Tupper, W. Van Dyke, B. Van Nest, B. L. Wait, J. C. Walker, E. Williams, S. Watterhouse, J. Middleton.

Arms, Accoutrements, and Appendages.	
Rifles.....	30
Screwdrivers.....	10
Wipers.....	10
Extra Cones.....	10
Spring Vice.....	1

REPORT OF THE MILITARY FORCE--Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.
SOUTHERN RIFLES-- First Brigade, Los Angeles, Organized, 1857; Re-organized April 16, 1861.	S. H. Wilson.....	Captain.....	April ... 1861	April 16, 1861	First.....	.....
	William Moore.....	First Lieut.....	Jan. 29, 1859	Jan. 10, 1859	First.....	.....
	George Carson.....	Sen. Sec. Lieut.....	April ... 1861	April 16, 1861	First.....	.....
	J. S. Rhoads.....	Jun. Sec. Lieut.....	April ... 1861	April 16, 1861	First.....	.....
					
					
REMARKS.—No returns from this Company received, as required by law.						

Arms, Accoutrements, and Appendages.
Rifles..... 60
Sabres..... 60
Sabre Scabbards..... 60
Cartridge Boxes..... 60
Cartridge Box Belts..... 60
Cartridge Box Belts..... 60
Cartridge Box Belt Plates..... 60
Waist Belts..... 60
Waist Belt Plates..... 60
Gun Slings..... 60
Cap Boxes..... 60
Wipers..... 60
Screwdrivers..... 60
Wormers..... 60
Tompions..... 60
Sabre Knots..... 60
Cavalry Sabre Belts..... 60
Cavalry Sabre Belt Plates..... 6
Ball Screws..... 6
Spring Vices..... 6
Wire Punches..... 12
Pistol Holsters, (pairs)..... 45
Dragon Pistols..... 23

Arms, Accoutrements, and Appendages.

Muskets.....	60
Bayonets.....	60
Bayonet Scabbards.....	60
Cartridge Boxes.....	60
Cartridge Box Plates.....	60
Cartridge Box Belts.....	60
Cartridge Box Belt Plates.....	60
Waist Belts.....	60
Waist Belt Plates.....	60
Gun Slings.....	60
Cap Pouches.....	60
Screwdrivers.....	60
Wormers.....	60
Tompions.....	60
Extra Cones.....	60
Spring Vices.....	6
Ball Screws.....	6
Spring Punches.....	12
Sergeants' Swords.....	4
Sergeants' Sword Belts.....	4
Sergeants' Sword Belt Plates.....	4

Bond.—On file in this office.

REMARKS.—No returns received from this Company, as required by law.

REPORT OF THE MILITARY FORCE—Continued.

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.
LANCEROS DE LOS ANGELES.— First Brigade. Los An- geles. Organized May 1837.	Juan Sepulveda..... José R. Carrillo..... Jeronimo Ybarra..... Mariano Alvarado.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	May 12, 1858 May 12, 1858 May 12, 1858 May 12, 1858	May.....1857 May.....1857 May.....1857 May.....1857	First..... First..... First..... First.....	..... ..... ..... .....	Cavalry Sabres..... 60 Cavalry Sabre Belts..... 60 Cavalry Sabre Belt Plates..... 60 Cavalry Sabre Knots..... 60 Thirty-four cavalry sabres, collected by Assistant Adjutant-General W. P. Reynolds, in bad condition, from this Company, were received on the 10th day of August, 1862.
REMARKS.—No returns received from this Company, as required by law.							

Name of Company.	Officers.	Office.	Date of Com.	Date of Rank.	Brigade.	Rank & File.	Arms, Accoutrements, and Appendages.	
SAN DIEGO GUARDS— First Brigade, San Diego. Organized August 2d, 1856.	George Pendleton..... William H. Mosle..... D. B. Kariz..... James M. Connor.....	Captain..... First Lieut..... Sen. Sec. Lieut..... Jun. Sec. Lieut.....	Aug. 22, 1856 Aug. 22, 1856 Aug. 22, 1856 Aug. 22, 1856	Aug. 2, 1856 Aug. 2, 1856 Aug. 2, 1856 Aug. 2, 1856	First..... First..... First..... First.....		Muskets.....	40
							Bayonets.....	40
							Bayonet Scabbards.....	40
							Cartridge Boxes.....	40
							Cartridge Box Belts.....	40
							Cartridge Box Belt Plates.....	40
							Gun Slings.....	40
							Cap Pouches.....	40
							Screwdrivers.....	40
							Wipers.....	40
							Tompions.....	40
							Extra Cones.....	40
							Waist Belts.....	40
							Waist Belt Plates.....	40
							Wire Pouches.....	8
							Ball Screws.....	8
							Spring Vices.....	4
							Sergeants' Swords.....	4
							Sergeants' Sword Belts.....	4
							Sergeants' Sword Belt Plates.....	4

BOND.—Approved by County Judge.

REMARKS.—No returns from this Company received, as required by law.

LIST OF ORDNANCE AND ORDNANCE STORES RECEIVED—Continued.

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FROM WHOM RECEIVED.	DATE.	Wipers.....	Ball Screws.....	Spring Vices.....	Bullet Moulds.....	Extra Cones.....	Artillery Swords.....	Cavalry Sabres.....	Sergeants' Swords,* Belts, and Plates.....	Tumblers and Springs.....	Arm Chests.....	Boxes (packing).....	Cartridges and Round Ball	Miscellaneous.....	Accoutrements of [various descrip- [tions, amount- [ing to 135 sets.
On hand in Armory.....	Dec. 31, 1861	.....	.....	.....	.....	.....	91	60	38	8	21	21	.....	.....	.....
Benicia Arsenal.....	July 2, 1862	40	4	4	.....	40	.....	.....	.....	.....	.....	.....	.....	.....	.....
General Wright.....	July 12, 1862	500	50	50	.....	500	.....	.....	.....	.....	25	10	10,000	.....	.....
General Wright.....	July 11, 1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	2	.....	.....	.....
General Wright.....	Sept. 27, 1862	500	50	50	30	500	.....	.....	.....	.....	25	11	.....	.....	.....
State of California.....	Aug. 1, 1862	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Crescent City Guard.....	Feb. 13, 1862	.....	8	4	.....	50	.....	.....	4	.....	.....	.....	.....	.....	.....
Sheriff Tuolumne County.....	May 23, 1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
California Light Guard.....	Mar. 3, 1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
French Guard, Company H.....	Mar. 3, 1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Marion Rifles.....	Mar. 25, 1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Franklin Guard.....	Aug. 10, 1862	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Major W. P. Reynolds.....	Aug. 10, 1862	.....	6	6	.....	.....	34	.....	.....	.....	.....	.....	.....	.....	.....
Los Angeles Greys.....	Aug. 10, 1862	48	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Walter Van Dyke.....	July 12, 1862	10	.....	1	.....	12	.....	.....	.....	.....	.....	.....	.....	.....	.....
Union Guard, Weaverville.....	Aug. 18, 1862	10	1	.....	1	19	.....	.....	.....	.....	1	3	.....	.....	.....
Coloma Greys.....	Oct. 4, 1862	40	4	4	2	.....	.....	.....	4	8	.....	.....	.....	.....	.....
Mountain Volunteers.....	June 24, 1862	.....	3	3	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	69 Tompons.

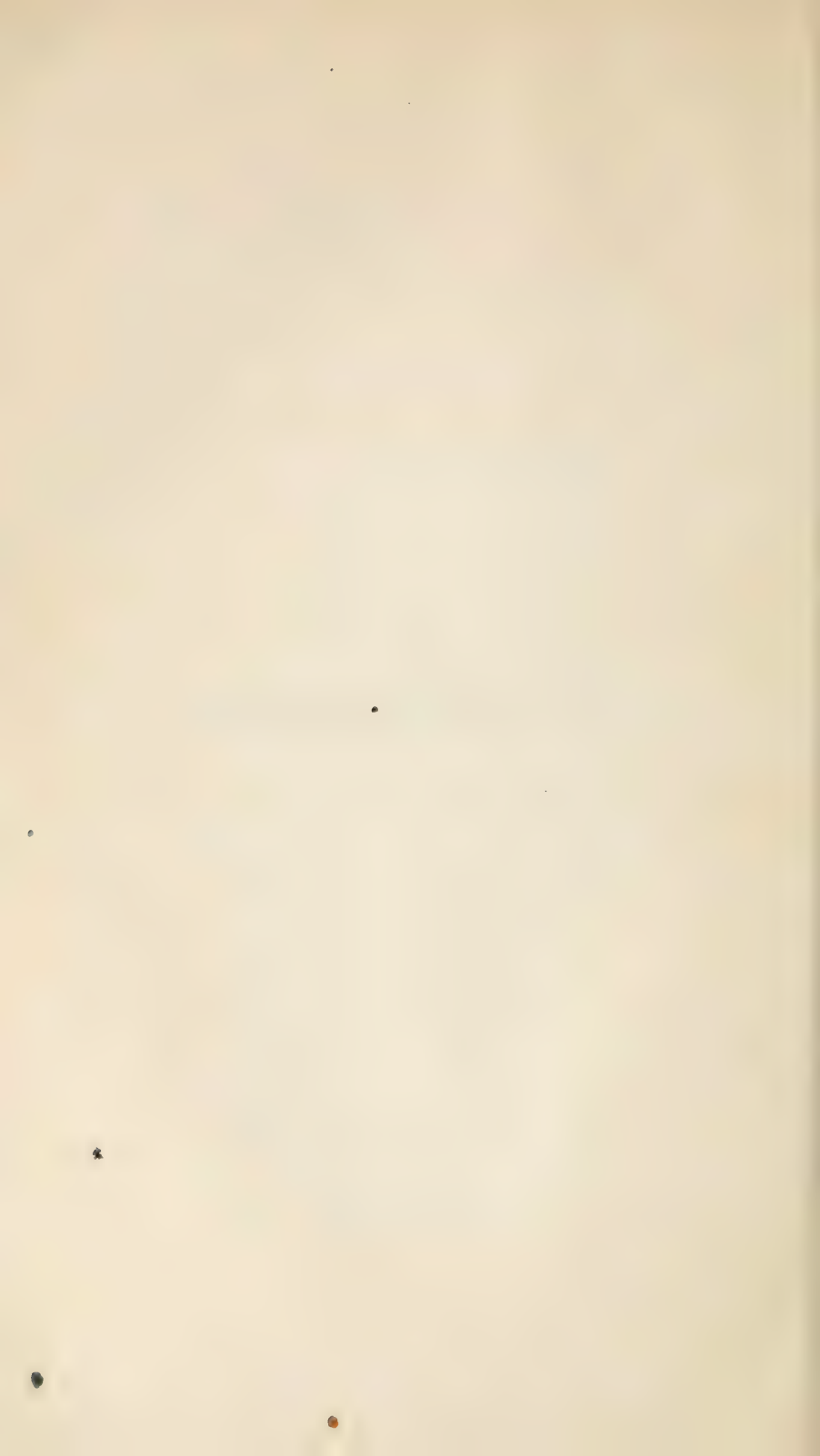
ARMS, ACCOUTREMENTS, AND AMMUNITION, ON HAND DECEMBER 31, 1862.

Sword Scabbards and Belts.....		268	
Swords.....		368	
Pouches.....		954	
Rifles.....		954	
Brushes and Picks..		1,810	
Bayonet Scabbards and Belts.....		1,810	
Cartridge Boxes and Belts.....		1,810	
Bayonets.....		1,810	
Muskets.....		1,810	
Sets of Harness.....		16	
Ammunition Boxes.....		18	
ORDNANCE AND ORDNANCE STORES.	IRON.	Six-Pounders and Appendages	2
	BRASS.	Trail Handspikes....	10
		Ladles and Worms..	2
		Sponges and Rammers.....	8
		Twelve-Pounder Howitzers.....	2
		Six-Pounders.....	2

ADJUTANT-GENERAL'S OFFICE, STATE OF CALIFORNIA, Sacramento, December 31st, 1862.

WM. C. KIBBE,
Adjutant-General.

SUPPLEMENT.



WAR DEBT.

For the condition of the old war debt of California, incurred prior to the first day of January, eighteen hundred and fifty-four, for the payment of which interest bonds were issued by the State, I respectfully refer your Excellency to my report made to the Assembly on the twenty-sixth of March, eighteen hundred and sixty-two, under and by virtue of a resolution passed by that body.

THE NEW WAR DEBT.

That portion of the war debt recognized by the Act of the Legislature of eighteen hundred and fifty-seven, and amendatory Acts, stands as follows, viz :

Total amount of claims audited.....	\$407,551 06
Amount audited for services and supplies since January, 1854, under the above Acts, (for which Congress made an appropriation March 2d, 1861)	\$305,879 54
Amount audited for Indian spoliation, to investigate which, there is now a bill pending in Congress.....	93,710 34
Amount audited for services and supplies prior to January, 1854, and which was not included by original Board of Examiners.....	7,961 18
	\$407,551 06

For the principal portion of the above amounts bonds have been issued by this State, payable when Congress appropriates the means, and Congress has appropriated the means to redeem the bonds issued for the payment of *services and supplies* amounting to three hundred and five thousand eight hundred and seventy-nine dollars and fifty-four cents.

The amount audited for Indian spoliations, which will not be paid by the General Government until examined by her own agents, is.....	\$93,710 34
There is, therefore, of the new debt, which has been audited since January, 1854, and not yet provided for by Congress, the sum of.....	101,671 52
There is allowed to the State upon her cash payments, as reported by the Commissioners, Denver and Smith, to be paid into the State Treasury.....	\$76,538 25

In the prosecution of these claims before the General Government, I had complete duplicate vouchers for the same, which were exhibited to the committees to whom the bill making the appropriation for the payment was referred, and also to the Third Auditor of the Treasury, who is directed, by the law of Congress making the appropriation, to audit these claims.

My attention was called by him to the charges which seemed exorbitant, for supplies and transportation made in some of these accounts, upon the justice of which I succeeded in satisfying him, by reference to his payments made upon bills submitted by officers of the United States Army serving upon our frontier.

The result of the settlement, therefore, reported by the Commissioners, is somewhat remarkable: that, upon vouchers representing claims to the amount of four hundred and forty thousand dollars against the General Government, upon which had been made a partial but satisfactory examination by the Third Auditor, with an appropriation of four hundred thousand dollars with which to pay the same, recommended by the two Committees on Military Affairs in Congress, after giving a most critical examination to the vouchers presented, only two hundred and thirty thousand dollars should have been allowed to the Commissioners, is a matter of surprise. Had the charges for supplies, which appeared to be extravagant, been fully explained by one familiar with the localities at which they were furnished and delivered to the troops, and the prices paid by army officers at the same or adjacent points on our frontier, been brought to the attention of the Auditor, the result, it seems to me, would have been an allowance to California of an amount nearly or quite equal to the aggregate sum recommended by the Military Committees, and appropriated by Congress; for so satisfied were the members of these committees with the general character of the vouchers and justice of our claim, that they agreed to abate no part of the same, excepting the excess paid by the State for *services* over and above the amount paid to the United States troops serving in California.

If the allowance obtained by the Commissioners from the Third Auditor of the Treasury is accepted as a settlement of the debt, it must be a final settlement, California having no recourse after approving the said settlement, and duly accepting the allowance made under the law of Congress.

RECAPITULATION.

The State has interest War Bonds outstanding, the principal of which amounts to nearly \$40,000, which were issued in payment of claims incurred by expeditions of 1850 and 1851. (See my report to the Assembly.).....	\$40,000 00
The appropriation by Congress of March 2d, 1861, will redeem all bonds issued by the State under Act of 1857, and amendatory Acts, excepting.....	101,671 72
Of which amount, \$93,710 34 is for spoiliations, which will not be assumed by Congress, until, according to the precedent established in relation to the payment of similar claims preferred by frontier States east of the Rocky Mountains, the same has been examined by a Commission, appointed by the General Government.....	93,710 34
Leaving the sum of \$7,961 18, audited for services in the years 1850 and 1851, for which no provision has been made, or is in contemplation by the General Government.....	7,961 18
	101,671 72

I recommend that a law be passed authorizing the redemption of the interest bonds referred to, which were issued in payment of the old war debt of eighteen hundred and fifty and eighteen hundred and fifty-one, and became due and payable by the State in May, eighteen hundred and sixty-two, by the issuance of interest bonds, the principal of which shall be the amount of the original principal, with interest added, computed up to the time of redemption.

This done, and a proper effort made to secure the whole appropriation made by Act of Congress of second of March, eighteen hundred and sixty-one, the liabilities of the State of California will be mainly met, and we shall, at last, obtain immunity from further demands upon the Treasury from this prolific source, safely relying upon Congress to settle with the holders of the "interest (detached) coupons" mentioned in my report to the Assembly of March twenty-sixth, eighteen hundred and sixty-two, and to make appropriations for our Indian spoliation claims, according to the precedent established for other frontier States.

AMOUNTS

*Certified to out of the different funds appropriated for this department for the
Fourteenth Fiscal Year.*

Amount appropriated for rent of Adjutant-General's office.....	\$360 00
Certified to the following monthly rents, viz:	
For month of July.....	\$30 00
For month of August.....	30 00
For month of September.....	30 00
For month of October.....	30 00
For month of November.....	35 00
	155 00
Balance	\$205 00

Amount appropriated for rent of Arsenal.....	\$480 00
Certified to the following monthly rents, viz:	
For part of month of October.....	\$20 00
For month of November.....	25 00
	45 00
Balance.....	\$435 00

Amount appropriated for cleaning, transporting, and repair- ing Arms.....	\$500 00
Certified to the following bills, viz:	
To Wells, Fargo & Co., transportation	\$184 75
To John Schade, repairing and cleaning.....	197 50
To John Schade, repairing and cleaning.....	45 00
To M. Lobenstien, drayage	72 00
	\$499 25
Balance.....	75

Amount appropriated for Bullet Moulds.....	\$210 00
Certified to bill of T. & J. Garratt.....	210 00

The above is hereby certified to be correct.

WM. C. KIBBE.

Adjutant-General.

Under the requirements of the concurrent resolution of the Legislature, adopted April twelfth, eighteen hundred and sixty-two, I have transmitted original vouchers to the Third Auditor of the Treasury of the United States, representing additional claims for supplies furnished the expedition against the Indians in Klamath and Humboldt, A. D. eighteen hundred and fifty-eight:

Voucher No.	Names.	Account.	Amount.
70	Shasta Courier.....	Printing	\$18 00
73	S. G. Whipple.....	Miscellaneous.....	33 00
86	B. F. McConahay	Transportation.....	40 00
87	Tomlinson & Brother.....	Miscellaneous	10 25
89	James Lee.....	Hospital... ..	80 00
90	George W. Phipps.....	Hospital.....	2 50
91	Steamer Glide.....	Transportation	6 00
92	William H. Averill.....	Hospital.....	5 00
93	Craig & Cushing.....	Quartermasters.....	78 00
94	Charles Schumaker.....	Artificers.....	70 00
95	James Light.....	Hospital.....	6 50
96	Union Wharf Company.....	Transportation.....	5 50
98	David Bush.....	Miscellaneous	100 00
99	Bowles & Coddington.....	Miscellaneous	8 75
100	James Nixon.....	Transportation.....	35 50
101	J. Manheim & Co.....	Commissary.....	133 00
102	Bowles & Coddington.....	Quartermaster.....	490 09
103	Bowles & Coddington.....	Hospital.....	29 55
104	J. D. Thompson.....	Miscellaneous	5 00
105	Andrew McQuillan.....	Miscellaneous	70 00
106	Sundry Persons.....	Miscellaneous	63 00
107	R. B. Martin.....	Artificers.....	25 00
108	Bowles & Coddington.....	Miscellaneous	448 89
109	Bowles & Coddington.....	Miscellaneous	396 62
110	Bowles & Coddington.....	Miscellaneous	137 75
111	Bowles & Coddington.....	Miscellaneous	295 26
112	J. C. Woods.....	Transportation.....	195 00
113	Allen S. Frame.....	Commissary.....	18 00
114	Larrabee & Hagans.....	Miscellaneous	16 25

Under and by virtue of the resolution above referred to, I made application to the Controller of State for vouchers representing additional claims of the Pitt River Expedition of eighteen hundred and fifty-nine, for the payment of which the State has already made appropriation. This officer declined to deliver the same. These vouchers should be promptly forwarded to the Third Auditor, for allowance and payment to the State.

ANNUAL REPORT

OF THE

State Geologist of California,

FOR

THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

REPORT.

SAN FRANCISCO,
December 15th, 1862. }

To His Excellency,
LELAND STANFORD,
Governor of California :

By the terms of the Act of the Legislature authorizing a Geological Survey of the State of California, it was made the duty of the State Geologist to present to the Governor, to be laid before the Legislature, as near as may be to the beginning of each session, a "Report of Progress," in which the operations of the Survey during the preceding year shall be set forth, and its more important practical results made public. He is also required to communicate an account of the expenditures, and to furnish estimates for the continuance of the Survey.

By an Act of the Legislature of eighteen hundred and sixty-two, however, the State Geologist was authorized to combine his first and second annual reports into one volume, to be printed during the winter of eighteen hundred and sixty-two and eighteen hundred and sixty-three, and an appropriation of three thousand dollars (\$3,000) was made to pay the expenses of printing, engraving, etc., while the size, form, and style, of the report, and the place of printing, were left to the discretion of the State Geologist, under the advice and with the approval of the Governor.

The amount appropriated for the continuance of the Survey, during the year ending June thirtieth, eighteen hundred and sixty-three, was only fifteen thousand dollars, (\$15,000,) or one half of what had been asked for in the estimates of the State Geologist. I need not point out to your Excellency that this sum, which is less than that paid, in more instances than one, for superintending the business of a single mining company on the Pacific coast, (while the whole amount thus far expended in this Survey is less than has been placed at my disposition, at the East, for exploring the property of a private mining association,) is totally inadequate to enable us to carry on the work in a manner commensurate with its importance. When we consider the vast area of the State, the entire want of accurate maps, or even of those approaching to accuracy, and the consequent necessity of devoting a large amount of our time to

the topographical work, in order that we may be able to locate our work even approximately; when we recollect, furthermore, of what magnitude the mineral interests of this State are, it will be evident that the Geological Survey cannot be carried to a successful and honorable termination, furnishing results of which we may be proud, without a large expenditure of money.

In spite of the smallness of the appropriation, and the fact that none of it has been received from the Treasury, causing us much delay and embarrassment, our work has been going on steadily, although on a diminished scale. The greater importance and the magnitude of the topographical and field geological work, has made it incumbent on me to sacrifice some of the other departments, so as to enable us to carry on these in anything like an effective manner. I will proceed to notice what has been accomplished during the present year, under the proper heads, referring to my letter to your predecessor in office, dated December sixth, eighteen hundred and sixty-one, which was ordered to be printed by the last Legislature, and in which a synopsis of our work up to that time may be found. I would also take the liberty of referring to the closing paragraphs of my lecture before the Assembly, last winter, for a statement of what I conceive to be the objects and advantages of a Geological Survey.

ORGANIZATION OF THE SURVEY, AND FIELD OF EXPLORATION IN EIGHTEEN HUNDRED AND SIXTY-TWO.

Professor Brewer has remained in the position of Principal Assistant in the field work, and specially charged with the department of Botany and Agricultural Geology. The party in the field has been under his supervision, except at those times when I was myself with them.

Mr. Hoffmann has continued in the Topographical department, and Mr. V. Wackenreuder has also been employed as Topographer during part of the season. Mr. Gabb has filled the post of Palæontologist to the Survey since his arrival, about the beginning of the year. He has also assisted in the field work during a part of the season. Mr. A. Remond has served during the whole season as a volunteer, and has rendered valuable service to the State. Mr. Averill has remained connected with the Survey as Barometrical Observer, Commissary, etc.

The field work was much delayed in its commencement, by the almost entire destruction of the roads and bridges throughout the State, consequent on the unprecedented winter storms of eighteen hundred and sixty-one and eighteen hundred and sixty-two. Our wagon being at San Francisco, and our mules at Clayton, in Contra Costa County, we were unable to commence operations with the whole party until the creek at Pacheco was made passable. This was in the latter part of April. Previous to this, however, the geology and topography of Marin and a part of Sonoma County, were worked up by Messrs. Brewer and Hoffmann, in the latter part of March and the beginning of April.

The explorations of last year having revealed the presence of cretaceous rocks in the Mount Diablo range, and various circumstances making it apparent that the vicinity of Mount Diablo itself, by a detailed and careful study, would throw much light on the structure of the Coast Range, and furnish a key to what had been previously more or less obscure in the stratigraphical position of the rocks south and west of the San Joaquin, I determined, having especially in view the economical importance of the coal of that region, to make first a thorough examination of the vicinity of the mountain, and a topographical map, on a large scale, of the coal mining district. This work occupied about a month, during which time I was with the party.

This accomplished, the party, in charge of Professor Brewer, continued their explorations along the Mount Diablo range, towards the

southeast, as far as Pacheco's Pass, mapping an extensive district, of which hardly anything had been previously known. This occupied the month of June.

After this was accomplished, it had been my intention to have the party cross the San Joaquin and meet me at Snelling's, on the Merced, and there to devote our whole strength, for the remainder of the season, to working up the geology of the foot hills of the Sierra Nevada, going as far north as time would permit, and then returning on the west side of the Sacramento, in the foot hills of the Coast Ranges. It appeared, however, that all the ferries of the San Joaquin had been broken up by the winter's storms; and, up to August, there was no possibility of crossing at any point, the river continuing greatly swollen by the melting of the snow of the Sierra until late in the season. This made a great change necessary in our plans. The party had to return up the San José valley, and cross at Benicia. I then determined to continue our surveys up the Sacramento, along the Coast Ranges west of that river, and to reach Mount Shasta not too late in the season to make the ascent, and, if possible, to get some idea of the geology of the northern portion of the State. The party had proceeded as far as Rag Cañon, and were about to explore Bereyessa Valley, when the severe sickness of Professor Brewer put a stop to our operations in that quarter. After his recovery, it became necessary to move up the Sacramento Valley quite rapidly in order to reach Mount Shasta in season to make the ascent this year. At Shasta City, however, three of the party were attacked by fever, and another serious delay was occasioned. I joined them at that place about the first of September, and leaving Mr. Rémond there to observe the barometer, with the rest of the party went up the Upper Sacramento Valley, ascended Mount Shasta with Messrs. Brewer and Averill, and determined its height. The party continued their work in Shasta, Siskiyou, and Trinity Counties, until October, although during the whole time some of them were suffering more or less from bilious attacks.

During the month of October the work was continued down the Sacramento Valley, on the east side, for the purpose of settling the relations of the cretaceous strata of that region to the auriferous slates of the Sierra Nevada system.

In the latter part of October the party was broken up, and the animals sent into winter quarters, the explorations being continued in the counties adjacent to the Bay of San Francisco, by small parties on foot, or by single individuals, in different sections, for the purpose of completing the maps of that region. These explorations occupied the month of November, during which the weather continued highly favorable for field work.

Of my own time since the first of May, about one third has been spent with the party, one third in the Sierra Nevada and at Washoe, and the remainder at San Francisco, in attending to the general business of the Survey.

I will briefly notice what has been done in the different departments, under the appropriate heads:

TOPOGRAPHY.

The series of maps commenced by Mr. Hoffmann, on the scale of half an inch to the mile, has been continued since last year, and now amounts to forty-seven in number. These are based on the original documents of the United States Surveyor-General's office, and contain a large part

of what is known there in regard to the geography of the State. There is but little topography given, however, by the United States Surveys, even in the most thickly settled portions of California; no lines have been run in the mountain ranges of the coast, the surveys stopping short at their bases. No section lines have been run in the Sierra Nevada, although a portion of the foot hills of that chain is divided into townships. The maps, as thus blocked out at the Surveyor-General's office, have been used by us in the field, by filling in the topography wherever our route has laid.

The rough and almost unknown region of the Monte Diablo range, between Corral Hollow and Pacheco's Pass, has been surveyed. A mountain, called by us Mount Hamilton, situated about fifteen miles east of San José, was found to be the culminating point of this range, and is the highest point within one hundred miles of San Francisco. It is nearly six hundred feet higher than Monte Diablo.

A detailed map, on a scale of two inches to a mile, of the vicinity of Monte Diablo, including the coal mining district, has been prepared by Mr. Hoffmann from his own surveys. It is about two and one half by three feet in dimensions. A map of the vicinity of the Bay of San Francisco, on a scale of half an inch to a mile, and embracing an area of about six thousand square miles, has been prepared by Mr. Hoffmann; it extends from New Almaden to Napa, north and south, and from the Pacific to Corral Hollow, east and west. It is a little over four feet long, and three feet in width. This map exhibits a large amount of original topographical work, with all the information which could be obtained from other sources, especially the United States Land and Coast Surveys. It is now being redrawn for the engraver, and will be ready in about two months.

The two maps above referred to are intended to accompany our first report. They will be engraved on copper, and printed from transfers, the original plates remaining in possession of the State, to be corrected and amended for future use as may be required. They will be printed both with and without the geological coloring, so as to be used both as geographical and geological maps, and will be sold separately, as well as with the report.

A map has also been commenced of the Coast Ranges, extending from the Bay of Monterey south to Santa Barbara. It is about three feet by two and a half in dimensions, is on a scale of six miles to an inch, and embraces about sixteen thousand square miles of territory. All that is now known of the topography of that region is placed on that map; but another year will be required to complete it for publication, and to work out the geology, already partly elaborated during the first year of the Survey.

Another map is also in preparation from the surveys of Mr. Wackenreuder, embracing the "Washoe region, and its approaches from California." Mr. Wackenreuder has been employed, during a part of the season, in surveying the Sierra, and has made a highly important addition to our knowledge of the topography of that part of the State and the adjacent territory.

The work on this map will be continued next year, as will be explained further on.

It is probable that the final map of the State will be drawn on a scale of six miles to the inch; but this cannot be decided at present. That scale would enable us to give the whole State in nine sheets, each sheet about three feet square.

PHYSICAL GEOGRAPHY.

As before, barometrical observations have been constantly kept up, during the progress of the field work. A careful section has been measured across the Sierra Nevada, and the heights of the principal points in the Washoe region accurately determined. The most interesting operation in this department was the measurement of the height of Mount Shasta, which, by an elaborate series of observations, was found to be fourteen thousand four hundred and forty feet above the sea level. This is the highest mountain in the United States, so far as we know, and the first of the lofty volcanic peaks of the Sierra Nevada and Cascade Ranges which has been accurately measured.

Meteorological and climatological observations have been kept up as constantly as possible with our small force.

GENERAL GEOLOGY.

It is to this department of the Survey that by far the larger portion of our time has been devoted, since the first thing required in a Geological Survey, is a knowledge of the general geological structure of the State, the age of the various formations which occur in it, and their range and extent, or the position which they occupy on the surface, and their relations to each other. Each group of strata, thus determined by its lithological peculiarities, and by the fossils which it contains, is then to be laid down upon the map, in the position in which its outcrop occupies on the surface. The general character of the minerals and ores which occur in each formation or group of strata having been thus determined, the details of their mode of occurrence, their relative abundance, and the facilities which may exist in each separate district for making them economically available must, after the preliminary general work has been done, be the object of more special and detailed examinations. It is not, however, the business of a geological surveying corps to act, to any considerable extent, as a prospecting party; to do this, would require that we should confine our operations to a very limited area; the labors of the whole corps for an entire season would not suffice to thoroughly prospect more than a few hundred square miles in a very rich mineral region, and we should have often to engage in expensive mining operations to decide what was really of permanent value. It is our task, rather, to limit the field of research, and to show to others where their labors will be best bestowed, preventing foolish expenditures of time and money in searching for what our general geological investigations have determined not to exist in sufficient quantity, in certain formations, to be worth working. Especially in the first years of our work, in a State of such an immense area as California, our labors have more the character of a geological reconnoissance, than of a detailed survey.

Guided by these principles, we have extended our preliminary explorations over portions of forty of the forty-six counties into which the State is divided; and when it is remembered that the average size of a county is equal to half that of the State of Massachusetts, some idea of the magnitude of our work may be obtained. The counties in which we have not been at all are, Buena Vista, Tulare, Mendocino, Klamath, and Del Norte. We have obtained a general idea of the structure of the Coast Ranges from Los Angeles to Clear Lake, and made some progress in working out the geology of the Sierra Nevada. By the end of the

next season of field work, we shall probably be able to give a tolerably correct general account of the geology of the State, which may be accompanied by a preliminary geological map of the same, on a small scale.

As before remarked, however, the geology of the region around the Bay of San Francisco, comprising an area of about six thousand square miles, has been worked out in considerable detail for publication with the first volume of annual reports.

PALÆONTOLOGY.

Mr. Gabb, who arrived in California about a year ago, has been occupied in examining and describing the fossils collected by the Survey, and has made drawings of a large number of new forms of animal life, for publication in the reports. He has also assisted in the field work during a part of the season. The collection of fossils made by the Survey is already large and valuable, containing much that is new and interesting.

ECONOMICAL GEOLOGY.

One of the principal objects of the Survey, during the past season, has been the determination of the geological position of the coal deposits of the Pacific coast. A large amount of information has been collected during the year in regard to the mode of occurrence, and abundance, of the useful ores and minerals of this State and the adjoining Territories, as will be fully set forth in the reports.

BOTANY, AND AGRICULTURAL GEOLOGY.

Extensive additions have been made to the collection of plants, mostly from districts not visited last year.

The most important of these additions have been of native forage plants and trees. Many data have been obtained for the study of these departments. A valuable set of grasses, collected near San Francisco Bay, has been presented by Mr. Bolander.

Extensive duplicate suites have been preserved both for study and exchange, the specimens now collected amounting to not less than twelve thousand or fifteen thousand in number, and embracing probably half of all the species described from the State, besides many new and undescribed ones. The collections have been made by Professor Brewer while engaged in geological explorations, at a very trifling expenditure of time and money.

In the department of Agriculture proper, less has been done, owing to limited means. Partial preparation was made for investigating the subject of grape culture, and the production of wines; but discontinued from the same cause. Especial attention has been paid to our native forage plants, to aid in devising some means of arresting the rapid decrease of forage in this State, and correspondence entered into to obtain all possible information on this subject from other regions whose climates are similar to our own.

LABORATORY AND CHEMICAL WORK.

Deferring the fitting up of a laboratory, and the engaging of a special assistant in the chemical department, until a suitable permanent place could be provided in the State Museum building, Mr. Ashburner went east in the spring, and commenced the examination of some of the ores and minerals of the State in the laboratory of the Sheffield Scientific School of Yale College, under the direction of Professor Brush, who has charge of the metallurgical department of that institution. The reduction of the appropriation to fifteen thousand dollars (\$15,000) for the current year, made it necessary to suspend this work soon after it was commenced, in order that the whole force of the Survey might be concentrated on the field operations.

A small sum has been allowed to Mr. F. H. Storèr, of Boston, for continuing the investigations on the bituminous substances found in different parts of the State. His researches will probably be embodied in the first or second volume of the annual reports. Qualitative examinations, as well as a few quantitative ones, have been made at the office of the Survey, of specimens which have been collected. A considerable number of coals have been analyzed. Information in regard to ores and minerals has been given to a large number of persons who have applied for the same, by letter or otherwise, as will always be done, whenever practicable.

It is proposed that when the new Museum building is completed, a laboratory on a suitable scale shall be established in a part of the basement, where the chemical work of the survey can be carried on. Some of the questions connected with the metallurgic treatment of the ores occurring in and near this State will require an elaborate investigation by a skilful chemist.

ZOOLOGY.

During the present year Dr. Cooper has been employed, during a portion of the time, in the Zoological department, and has generously given his services to the State, after his salary had been suspended in consequence of the smallness of the appropriation. During the fiscal year eighteen hundred and sixty-two and eighteen hundred and sixty-three, a small sum was set apart for paying a portion of the expense of arranging and cataloguing the collections and putting them into a condition to be available to science. I trust that the appropriation made by the next Legislature will be large enough to allow this department of the survey to be resumed, and that it may be carried on without further interruption until the completion of the survey.

COLLECTIONS, AND STATE MUSEUM.

The collections of the Survey are already quite extensive and valuable, and embrace all departments of Natural History and Geology. Some valuable specimens have also been presented to the State by individuals, but not by any means as many as we could wish and confidently expect, if a proper place and suitable cases could be furnished to display them. As soon as the finances of the State will permit, it will be necessary that a suitable isolated and completely fire proof building be provided for a State Museum. It is painful to think that a few hours might sweep away so large a part of our work. The advantages to the cause of edu-

cation in the State, and the economical benefits to be derived from the proposed Museum, have already been insisted on by me on other occasions. I shall be happy to lay before your Excellency and the Legislature my views in full on this important matter, which is one that I have devoted much thought to, and in regard to which I have consulted with many eminent men.

REPORT.

The first volume of the annual report is now in preparation. It will contain a description of the Geology of the Coast Ranges, with maps, sections, plates of fossils, etc., and will make a volume, of royal octavo size, of about four hundred or five hundred pages.

I propose to have this report printed at some eastern city, probably Philadelphia, under competent superintendence, as it can be done there for less than half of the cost of doing it here, and as the maps will have to be engraved at the east. It will be necessary that the maps be done on copper, and printed from transfers, in order that the original plates may be preserved, to be used, after necessary corrections and revisions, if required, in the final report, or otherwise, as may be found desirable.

As the cost of all kinds of materials used in printing books has increased enormously since the appropriation of three thousand dollars (\$3,000) was made to pay for printing the first volume of the annual reports, it will be necessary either to diminish the number of copies to be printed, or else to cut down the size of the book. I think that the work can be stereotyped, and from five hundred to seven hundred copies printed, with the present appropriation.

I would suggest that, as has annually been done in the case of other Geological Surveys, the works published by the Survey be sold at a price which will, as nearly as possible, cover the cost of printing, engraving, and binding, as well as commissions and freight. Half the edition may be placed in the hands of an agent in New York, for sale at the east and in Europe, and the other half sent to California, and sold either at the office of the Secretary of State, or of the Geological Survey, or both.

The second volume of the annual reports, comprising the Geology of the Sierra Nevada and the mineral region of the eastern slope, from Owen's Lake to Washoe, may be put to press early next winter, provided the necessary appropriations are made in time, and the money is in the Treasury. The work on the first volume will be commenced as soon as the funds are provided, and the necessary authorization of your Excellency obtained. According to these plans, there will be two volumes of the annual reports issued, each of about five hundred royal octavo pages, with numerous illustrations and sections, and important and extensive maps, which, together, will contain the "Report of a General Reconnoissance of the State of California." After these have been issued, I would suggest that the annual reports should be made simply statements of the progress of the survey, without illustrations, and printed as other State officers' reports are, the clause requiring them to be copyrighted being repealed. All details and illustrations would then be postponed until the publication of the final report.

In order that the second volume of the annual reports may be printed and laid before the Legislature of eighteen hundred and sixty-three and eighteen hundred and sixty-four before the close of its session, it will be

necessary that an appropriation be made this winter. For the purpose, we shall require the sum of five thousand dollars.

EXPENDITURES AND ESTIMATES.

The expenditures of the Geological Survey up to the present time has been as follows :

From the commencement of the Survey to June 30th, 1861, seven and one-half months.....	\$16,117 93
From July 1st, 1861, to June 30th, 1862	18,882 07
From July 1st, 1862, to September 30th.....	6,499 77
From October 1st, 1862, to December 31st, 1862, (estimate).	5,250 00
Total expenditure to December 31st, 1862.....	\$46,749 77

As the total amount appropriated for the Survey is fifty thousand dollars, (\$50,000,) it follows that only about three thousand two hundred and fifty dollars (\$3,250) remains available for prosecuting the work during the next six months; and that unless some special provision is made by the Legislature, it will be stopped entirely in February or March.

To carry on the work to the end of this fiscal year, will require an appropriation in the deficiency bill of six thousand dollars (\$6,000.) To continue the Survey during the fiscal year eighteen hundred and sixty-three and eighteen hundred and sixty-four, will require thirty thousand dollars, (\$30,000); that is to say, if the work is to be prosecuted in the spirit and to the extent contemplated by the Act authorizing the Survey.

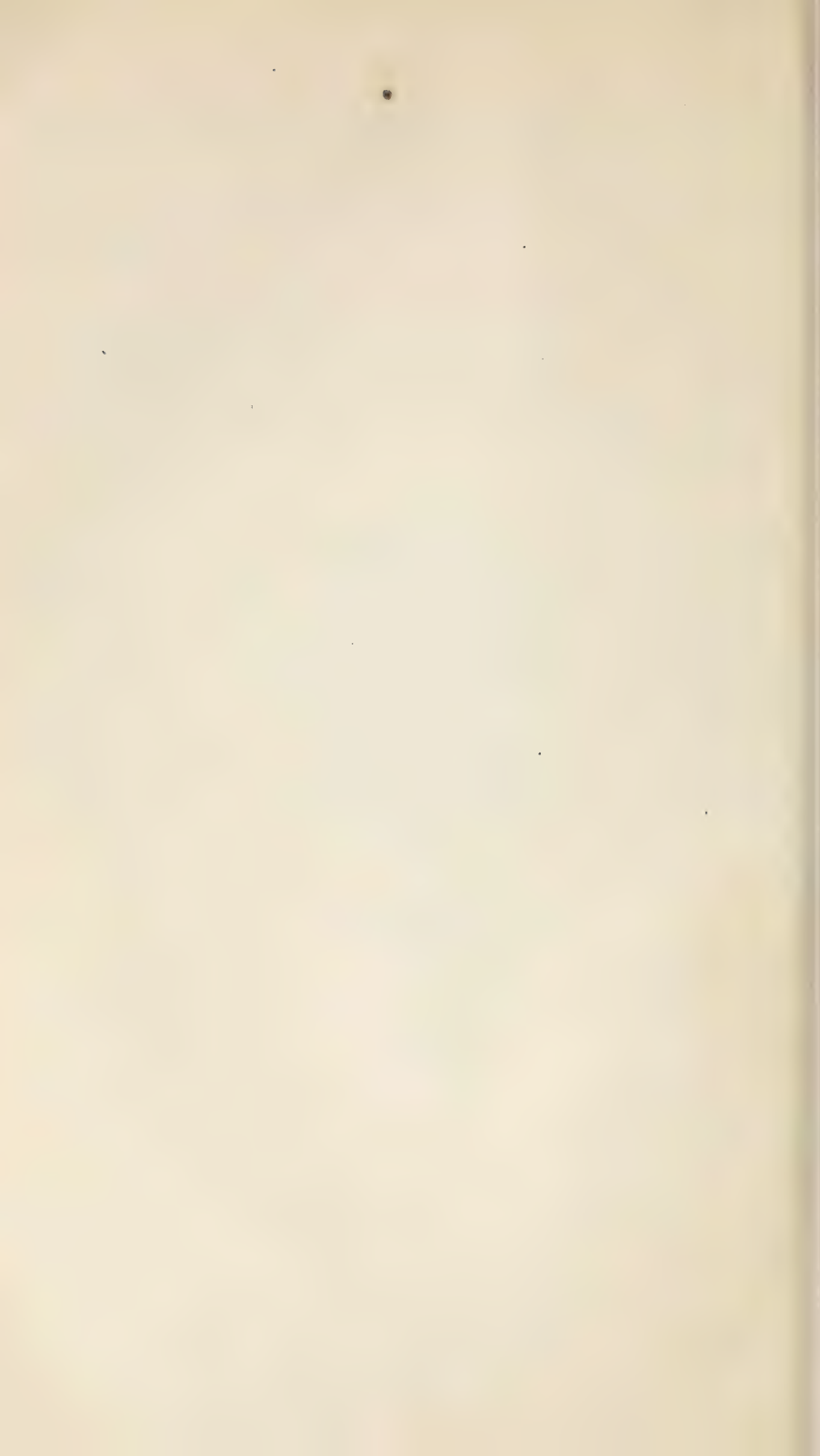
At the close of the next season, I shall be able to lay before the Legislature a statement of the time required to complete the Survey.

I am, with high respect,

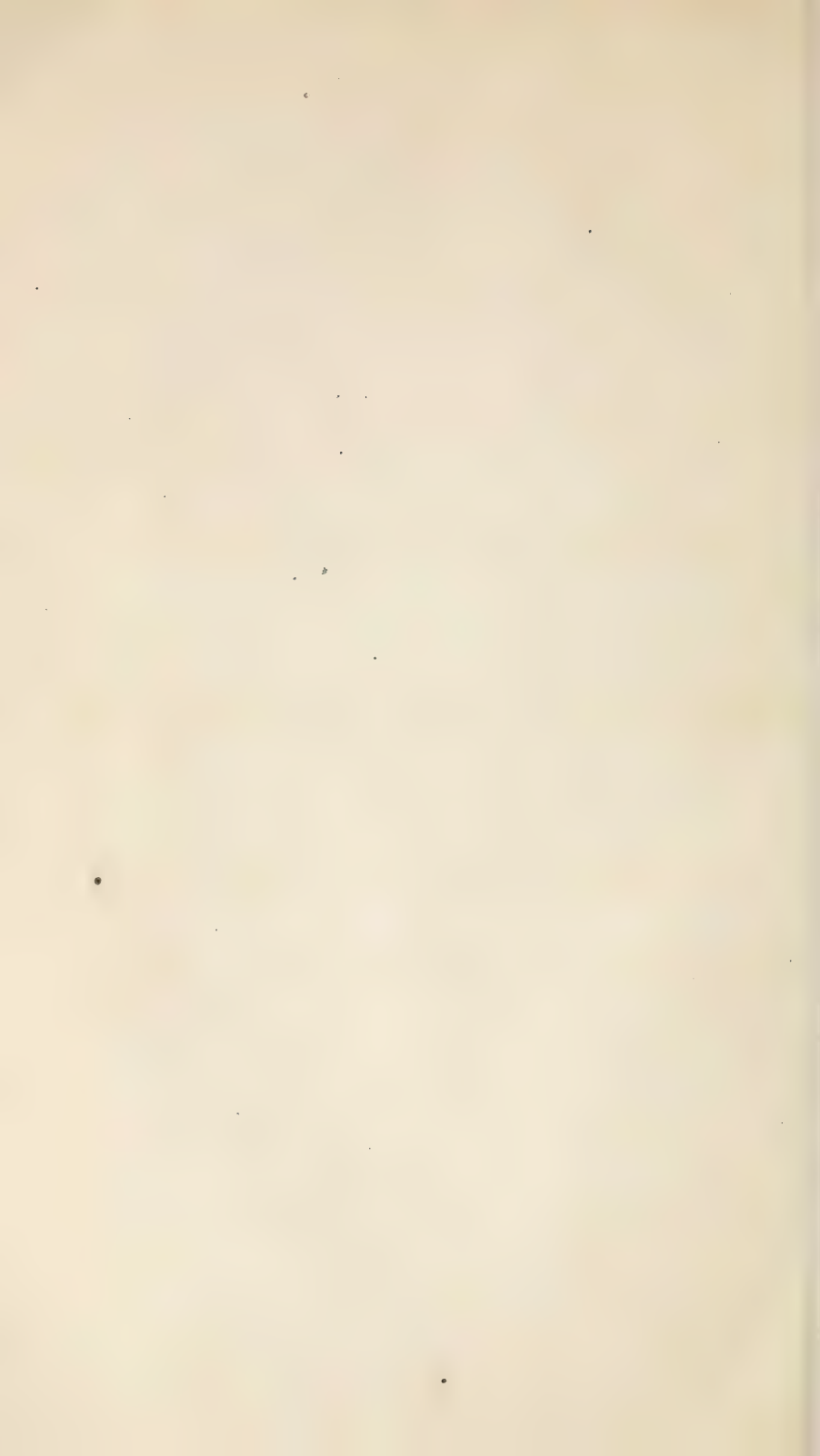
Your Excellency's obedient servant,

J. D. WHITNEY,
State Geologist.









REPORT OF THE BOARD OF TRUSTEES

OF

THE STATE REFORM SCHOOL,

FOR THE

SIX MONTHS ENDING DECEMBER 1, 1862.

BENJ. P. AVERY.....STATE PRINTER.

R E P O R T .

To His Excellency,
LELAND STANFORD,
Governor of the State of California :

SIR :—As required by the law regulating the State Reform School, the Board of Trustees present the following report of the affairs of the School for the six months ending December first, eighteen hundred and sixty-two :

For the transactions of the first half of the first year of the existence of the Institution, we respectfully refer your Excellency to the report of our predecessors, who surrendered it to us June first, eighteen hundred and sixty-two.

Upon entering on the discharge of our duties last summer, we found it somewhat difficult at first to arrange for supplies, in view of the fact that no money therefor was likely to come into our hands for disbursement, for an indefinite period. The situation, of course, rendered it impossible for us to make as good contracts as we could have done for cash. The outlays have, however, been moderate, as will be seen by the following detailed statement. The household has, during the time, averaged a fraction over twenty-four persons.

DETAILED STATEMENT

Of Expenditures for the six months ending December 1, 1862.

For what Purpose Expended.	Amount.
SALARIES.	
Trustees.....	\$900 00
Superintendent.....	1,200 00
Assistant Superintendent (six months, less seven days).....	576 67
Teacher (three months, ending September 1...).....	300 00
Total.....	\$2,976 67
[The Teacher's services have been dispensed with since September 1.]	
IMPROVEMENTS.	
Repairing and extending chimney.....	\$15 00
Boring well, and putting in pump.....	166 00
Double-action pump, hose, fixtures, and repairs on same afterwards.....	173 37
Total.....	\$354 37
FURNITURE.	
Hardware, woodenware, willowware, and tin-ware.....	\$41 48
Crockery and glassware..	64 87
Cutlery and spoons.....	8 75
Garden tools, axes, and hatchets.....	25 25
2 clocks.....	15 00
Drug scales.....	3 00
1½ dozen brooms.....	8 50
21 pairs blankets.....	86 00
2 quilts.....	6 00
Total.....	\$258 85
Amount carried forward.....	\$3,589 89

DETAILED STATEMENT—Continued.

For what Purpose Expended.	Amount.
Amount brought forward.....	\$3,589 89
MEAT AND FISH.	
1,964½ pounds fresh meats.....	\$196 46
54 pounds bacon.....	10 80
18 pounds shoulder.....	2 88
69 pounds codfish.....	9 01
2 kegs mackerel.....	8 00
Total.....	\$227 15
GROCERIES AND PROVISIONS.	
2,700 pounds flour.....	\$118 87
400 pounds Graham flour.....	17 25
390 pounds corn meal.....	19 38
40 pounds hominy.....	5 00
150 pounds rice.....	13 00
2,272 pounds potatoes.....	71 54
183 pounds onions.....	12 86
60 pounds turnips.....	2 20
20 pounds cabbage.....	1 60
110 pounds beans.....	9 11
140 pounds lard.....	29 75
242 pounds white sugar.....	44 89
258 pounds brown sugar.....	40 97
54 gallons syrup.....	52 50
468 pounds butter.....	174 00
49 pounds tea.....	45 30
126 pounds coffee.....	35 63
10 boxes soap.....	19 75
3 pounds castile soap.....	1 13
110 pounds salt.....	3 67
69 pounds dried apples.....	11 35
76 pounds dried peaches.....	20 62
1 can peaches.....	75
½ pound nutmegs.....	75
6 pounds cheese.....	1 50
1½ boxes raisins.....	9 50
1 paper corn starch.....	25
Brandy and whiskey.....	14 00
Pickles.....	5 75
2 bottles sauce.....	75
Watermelons.....	50
Amount carried forward.....	\$784 12
	\$4,601 16

DETAILED STATEMENT—Continued.

For what Purpose Expended.	Amount
Amount brought forward.....	\$4,601 16
2 boxes starch.....	\$3 25
6 pounds salaratus.....	1 00
1 10-12 dozens pepper and spices.....	5 25
3 pounds cream tartar.....	2 88
2 dozen yeast powder.....	8 00
Matches	1 00
15 gallons vinegar.....	5 00
2 pounds hops.....	1 75
2 bottles sweet oil.....	1 75
10 bottles extract lemon and almond.....	3 50
6 pounds chloride lime.....	2 25
Mustard	1 50
Indigo.....	50
Linseed oil.....	75
Sage, and summer savory.	1 00
Total.....	\$39 38
CLOTHING.	
27 pairs pants.....	\$66 00
9 jackets.....	27 50
23 flannel overshirts.....	57 50
16 overcoats.....	88 00
17 shirts	14 25
15 hats.....	15 25
4 caps.....	3 00
3 11-12 dozen cotton hose.....	11 00
4 dozen woolen hose	19 00
2½ dozen suspenders.....	9 75
1½ dozen handkerchiefs.....	1 87
46 pairs shoes.....	75 50
Total.....	\$388 62
DRY GOODS, ETC.	
Combs and brushes.....	\$17 75
2 hoops (girl's).....	2 00
Thread, needles, pins, and buttons.....	8 75
49½ yards denim.....	11 20
Nankeen.....	2 50
½ dozen towels.....	2 25
10 yards crash	2 00
Total.....	\$46 45
Amount carried forward.....	\$5,075 61

DETAILED STATEMENT—Continued.

For what Purpose Expended.	Amount.
Amount brought forward.....	\$5,075 61
27½ yards print..... \$5 27	
2 yards gingham 50	
2 yards drilling..... 50	
2 girl's bonnets..... 1 50	
6 pairs girl's hose..... 1 50	
Total.....	\$9 27
FUEL AND LIGHTS.	
Fuel.....	
30 gallons kerosene oil.....	\$33 75
MEDICINES AND MEDICAL ATTENDANCE.	
22 visits..... \$198 00	
Drugs and medicines..... 128 25	
Total.....	\$326 25
[A variety of drugs were purchased not wanted for immediate use, but to be ready for emergencies. There is now a well assorted stock on hand.]	
STABLE.	
1,533 pounds barley..... \$33 82	
1 ton hay..... 16 00	
Wagon repairs and horse shoeing. 63 50	
Horse-keeping in town 47 00	
Harness repairs..... 3 50	
Whip..... 1 50	
Axle grease..... 1 50	
Total.....	\$166 82
MISCELLANEOUS.	
Surveying..... \$15 00	
Carriage hire..... 40 00	
Stationery..... 21 50	
Laborer 10 00	
Plowing and harrowing garden, and brushing small barley field..... 27 00	
	\$113 50
Amount carried forward.....	\$5,725 20

DETAILED STATEMENT—Continued.

For what Purpose Expended.	Amount.
Amount brought forward.....	\$5,725 20
Garden seeds.....	\$15 25
Fresh vegetables for table.....	8 52
Wicks.....	1 75
Tacks.....	50
Blacking.....	1 00
Fire crackers (Fourth of July).....	4 00
Freight on presents from Mr. Deeth (San Francisco).....	2 50
55 pounds shorts.....	1 10
96 pounds wheat.....	1 92
Cook's wages for two and one half months.....	110 00
House maid and laundress' wages.....	210 10
Total.....	\$356 54
Total Expenditures.....	\$6,081 74
Of the foregoing there has been audited, up to December 1st, 1862.....	\$5,994 04
Remaining unaudited.....	87 70
Total.....	\$6,081 74
ACCOUNTS AUDITED BY THE BOARD OF TRUSTEES.	
Audited in July, accounts for June and previously.....	\$1,292 12
Audited in September, accounts for July and August.....	2,143 55
Audited in October, accounts for September and October...	1,638 90
Audited in November, accounts for November.....	1,091 82
Total.....	\$6,166 39
Of the above there were audited claims accrued before June 1st, 1862.....	\$172 35
Of claims accrued after June 1st, 1862, as per above de- tailed statement.....	5,994 04
Total.....	\$6,166 39

We regard the results attained by the Superintendent, in the management and discipline of the School, as exceedingly creditable to him, and are firmly impressed with the conviction that, under his guidance, the State Reform School can be made to fully answer the desirable and humane purposes for which it and all similar institutions are intended.

Although there are twenty-five inmates, ranging from six to sixteen years of age, eight of whom were convicted of crimes, and many of the remainder having been totally unmanageable at home, yet not a door is locked or bolted at night, nor is there any wall around the build-

ing, or any other impediment whatever to their escape. So successful has the kind system of treatment proven, that no escape has occurred since July last. The boys are taught that they are at home, and not in prison, and generally seem ambitious to receive the approbation of the Superintendent and his Assistant, whom they have learned to regard as their friends and protectors.

The children have received instruction in reading, spelling, writing, arithmetic, and geography. Eleven can write, and several of them exceedingly well; four others are beginning to learn. Eight are good readers; eight are indifferent readers; seven are in a primary reading class, having mastered words of one syllable; and two are learning the alphabet. Six have acquired fair proficiency in arithmetic, to the extent of addition, subtraction, multiplication, and division, and reduction of currencies; two have progressed still further; thirteen are required to answer some questions in mental arithmetic.

The children have moral instruction of a practical nature, intermingled with their daily avocations, and on Sundays portions of the Scriptures and prayers are read. No sectarian views are inculcated, nor is any effort made to secure for the Institution the reputation of being a "daily Sunday School." Truth, frankness, reverence for the Deity, and loyalty to the country, are held up as the chief virtues, and dwelt upon in plain words, on proper occasions.

The building and its furniture are in good condition. The library contains about nine hundred and fifty well selected miscellaneous books, and its privileges are enjoyed and appreciated by about one-half of the boys.

There is a winter garden, from which a considerable amount of vegetables will be produced. From the summer garden (work on which was not commenced until June) enough was produced to supply the Institution with nearly all the fresh vegetables used during the season.

We contemplate the planting of a vineyard of about ten acres, on soil which is believed by eminent vine growers to be well adapted to the purpose.

Accompanying this, is the Superintendent's first annual report, which shows figures promising the growth of the Institution, notwithstanding its early drawbacks. The total number of admissions during the first year, just closed, exceeds by one the admissions at the San Francisco Industrial School, during the second of three years during which it had been in operation, in June last. If the recommendation made by the Superintendent, in which we concur, in regard to reasonable compensation for transportation of boys to the Reform School, should be acted upon, we believe that the accommodations of the building would be taxed to the utmost in the reception of boys clearly within the class for whose benefit, together with that of society at large, it was intended.

In the opinion of the Board, the increase of numbers will render necessary for the next fiscal year an appropriation of fifteen thousand dollars (\$15,000.) The deficiency for the fiscal year ending July first, eighteen hundred and sixty-three, will not be less than two thousand dollars (\$2,000.)

Respectfully submitted,

WM. HAWLEY,
CHAS. M. GORHAM,
JACOB DEETH,

Board of Trustees of the State Reform School.



FIRST ANNUAL REPORT

OF THE

SUPERINTENDENT OF THE STATE REFORM SCHOOL
OF CALIFORNIA.



ANNUAL REPORT.

To the BOARD OF TRUSTEES
of the State Reform School of California :

GENTLEMEN :—Pursuant to the requirements of the Act for the regulation of the State Reform School, I submit the following report for the year ending December eighth, eighteen hundred and sixty-two :

The first commitment to the School was made December ninth, eighteen hundred and sixty-one, one week after the dedication.

My duties as Superintendent commenced June seventh, at which time there were thirteen boys in the place.

NUMBER OF COMMITMENTS.

Whole number received during the year.....	33
As follows :	
December, 1861.....	1
January, 1862.....	2
February, 1862.....	5
April, 1862.....	4
May, 1862.....	3
June, 1862.....	2
July, 1862.....	2
August, 1862.....	3
September, 1862.....	5
November, 1862.....	4
December, 1862.....	2
Total.....	33
Of these there were :	
Girls.....	3
Boys.....	30
Total.....	33

CAUSES OF COMMITTAL.

Convicted of Crime, Eleven, as follows :

Petit larceny	10	
Assault and battery.....	1	
	<hr/>	
Total.....		11

[Two of the girls were committed for petit larceny.]

Committed by Guardians and Friends, Twenty-two, as follows :

Vagrants.....	10	
Stubbornness, disobedience, and the like.....	11	
On his own application, having run away from home...	1	
	<hr/>	
Total.....		22

Total number committed		33
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FOR HOW LONG COMMITTED.

Six months.....	3	
One year.....	17	
Two years	4	
Three years.....	3	
Four years	1	
Five years.....	1	
During minority	4	
	<hr/>	
Total.....		33

AGES.

Six years of age.....	1	
Seven years.....	1	
Eight years.....	3	
Nine years	2	
Ten years	2	
Eleven years.....	3	
Twelve years.....	4	
Thirteen years.....	4	
Fourteen years.....	7	
Fifteen years	4	
Sixteen years.....	2	
	<hr/>	
Total.....		33

[Average age, twelve years.]

PARENTAGE.

Nationality of Parents :

American	16	
Irish.....	7	
Mexican.....	3	
English.....	3	
German.....	2	
French.....	1	
Scotch.....	1	
Total		33

There are three orphans. Nine are fatherless. Five are motherless. The parents of four are separated. Three have step-fathers; and one has a step-mother.

DISPOSED OF DURING THE YEAR.

Escaped.....	2	
Returned to parents.....	3	
Discharged reformed.....	3	
Remaining, December 8th, 1862.....	25	
Total		33

Of those reformed, two were petit larceny cases, and one was a boy who stubbornly refused to live at home. These boys are now doing well, and conducting themselves properly.

Of those escaped, one was a boy convicted of no public offence. He was immediately traced up, but not required to return. The other was a petit larceny thief. He was arrested in Sacramento immediately, but not returned to the School. Subsequently, when arrested at San Francisco, he was, as you are aware, by you pronounced incorrigible, and refused re-admission into the School, in accordance with the twentieth section of the Act for the regulation of the Reform School.

Of the twenty-five remaining, seven are now good trustworthy boys, and will be discharged as reformed so soon as places can be obtained for them. The ages of these seven are as follows: fifteen years, one; fourteen years, two; thirteen years, one; and twelve years, three.

One of them was convicted of petit larceny, and one of an assault with a knife. I can truly say that the two latter are as good boys as I have in the School. I always accept their statements as true, whether they are interested, or not.

In regard to the employment of the inmates of institutions of this character, I am, from my brief experience, impressed with the soundness of the policy set forth in the following remarks, made by J. A. Bryan, of New York, in the Second National Convention of Managers and Su-

perintendents of Schools of Reform, held at New York, in eighteen hundred and fifty-nine. He said :

"The convention may be surprised to learn that so extensive an institution as the New York Juvenile Asylum has no system of labor; that pupils are not required to do anything, except to pursue their studies, behave themselves, receive instruction, and become fitted as speedily as possible to be restored to society. When that institution was first established, certain trades were introduced—shoemaking, tailoring, and some other employments of this kind. A small farm of twenty-three acres was purchased for the purpose of instructing them in agricultural pursuits, gardening, etc.; but all these things were discovered by us to be *expensive undertakings*, from which no real benefit could accrue. We came to the conclusion that the time of these children should be spent in study and recreation. * * * * Very few of the children can read or write when they come. We deem it of vital importance that, before they shall be restored to society, they shall understand how to read, write, and cipher. * * * * I am not aware that there is any reformatory of this description which has discarded manual labor entirely. Of course, the inmates of our institution are called upon to perform some domestic duties, and to aid in the general keeping up of the establishment, such as sweeping, scrubbing, cleaning, and sometimes in grading certain portions of our premises, in aiding in repairs when building is going on. Beyond this, we have nothing for them to do."

The average age of the inmates of the School is, as before stated, twelve years, and the State can hardly expect that such boys will be able, by manufacturing or agricultural enterprises, to pay the expenses of the efforts made for their reformation. This average is not particularly low. The average age of the inmates of the San Francisco Industrial School, at the date of the last annual report of that establishment, was a fraction under twelve and a half years. But though efforts to continually and profitably employ the boys may be impracticable, it by no means follows that habits of idleness are to be contracted.

One of our boys assists in the kitchen; another in the laundry room, while the others are more or less occupied every day in pumping water into the large tank upon the roof; sweeping the first and third stories of the building, (which is two hundred and eighteen feet long;) keeping clean the grounds; scrubbing floors and windows, etc., etc. The large boys aided in fencing in a garden last summer, and in cultivating the same, and have, during all of my term, supplied the institution with wood for fuel. They have cut about sixty cords of stove wood, of which twenty remains now on hand. Numberless petty tasks are constantly suggesting themselves, and thus far, I think, the boys have had no more time for recreation than they have a right to demand against all the world.

The growth and success of the Reform School are sufficient answers to the interested parties who eagerly commenced denouncing it as a failure four months after its dedication, during which time half the State was under water. It is part and parcel of a system adopted throughout Christendom for the prevention of crime, and he who would have the hardihood to say, "it is too expensive a luxury, this turning youthful feet away from crime," has need himself of reformation.

I believe the number of vagrant and dissolute boys in the California towns reaches hundreds, and that, independent of the field occupied by

the San Francisco Industrial School, (which is supported, without cost to the State, by the benevolent people and the liberal and wealthy municipal government of San Francisco,) this School would be constantly filled with boys requiring its discipline, were it not for a single obstacle, viz: the lack of any provision for the payment of officers of the law for transportation of boys to this place. The Legislature could remedy this by making it the duty of the Supervisors of the county, or of the Common Council or Trustees of the city or town, from which any boy is sent, to audit and allow reasonable accounts for such services.

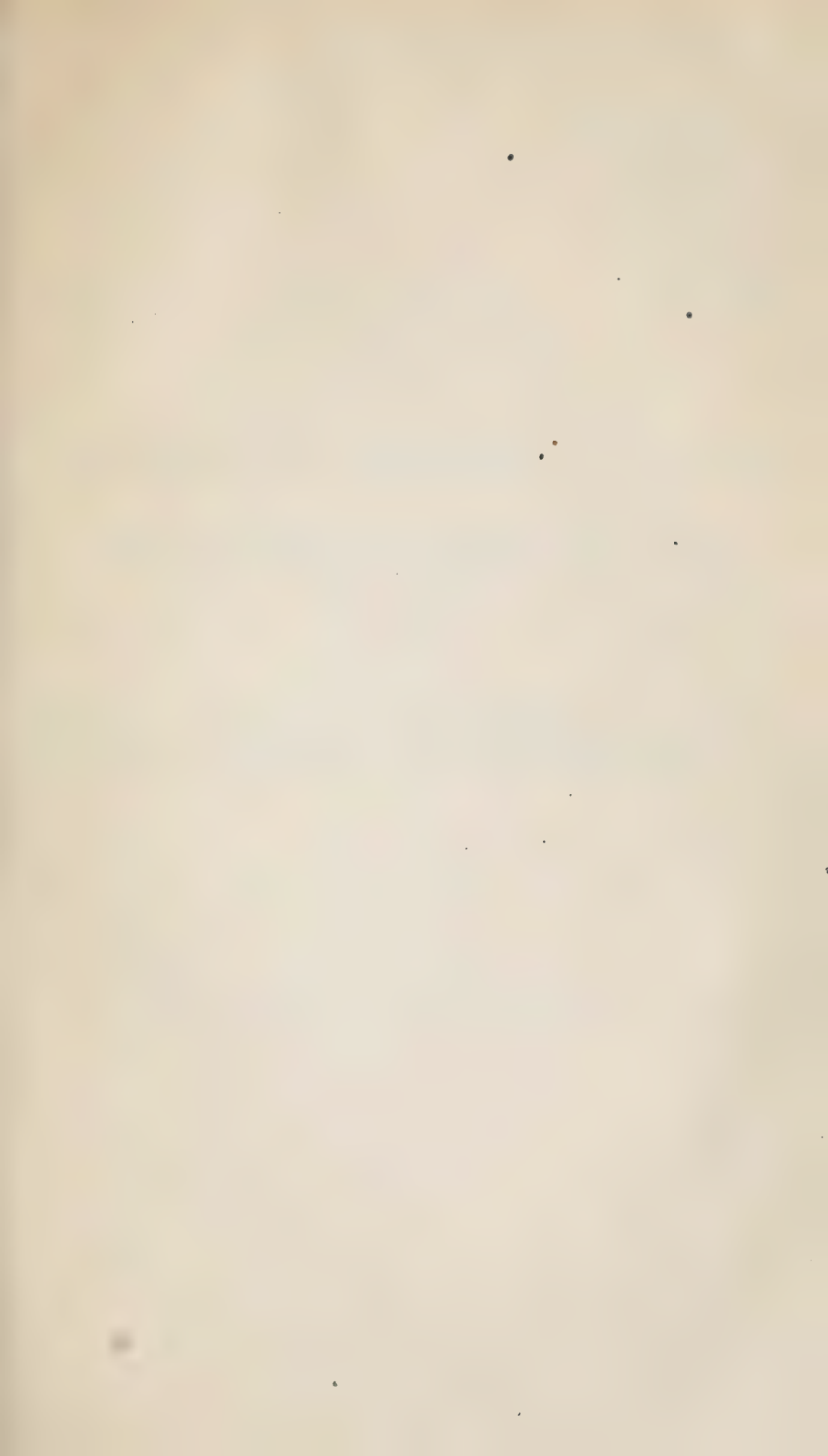
In the management of the School, in taking care of the State property here, and in the discharge of my duties generally, I have uniformly received valuable aid from my highly competent Assistant, Mr. Philip H. Patten.

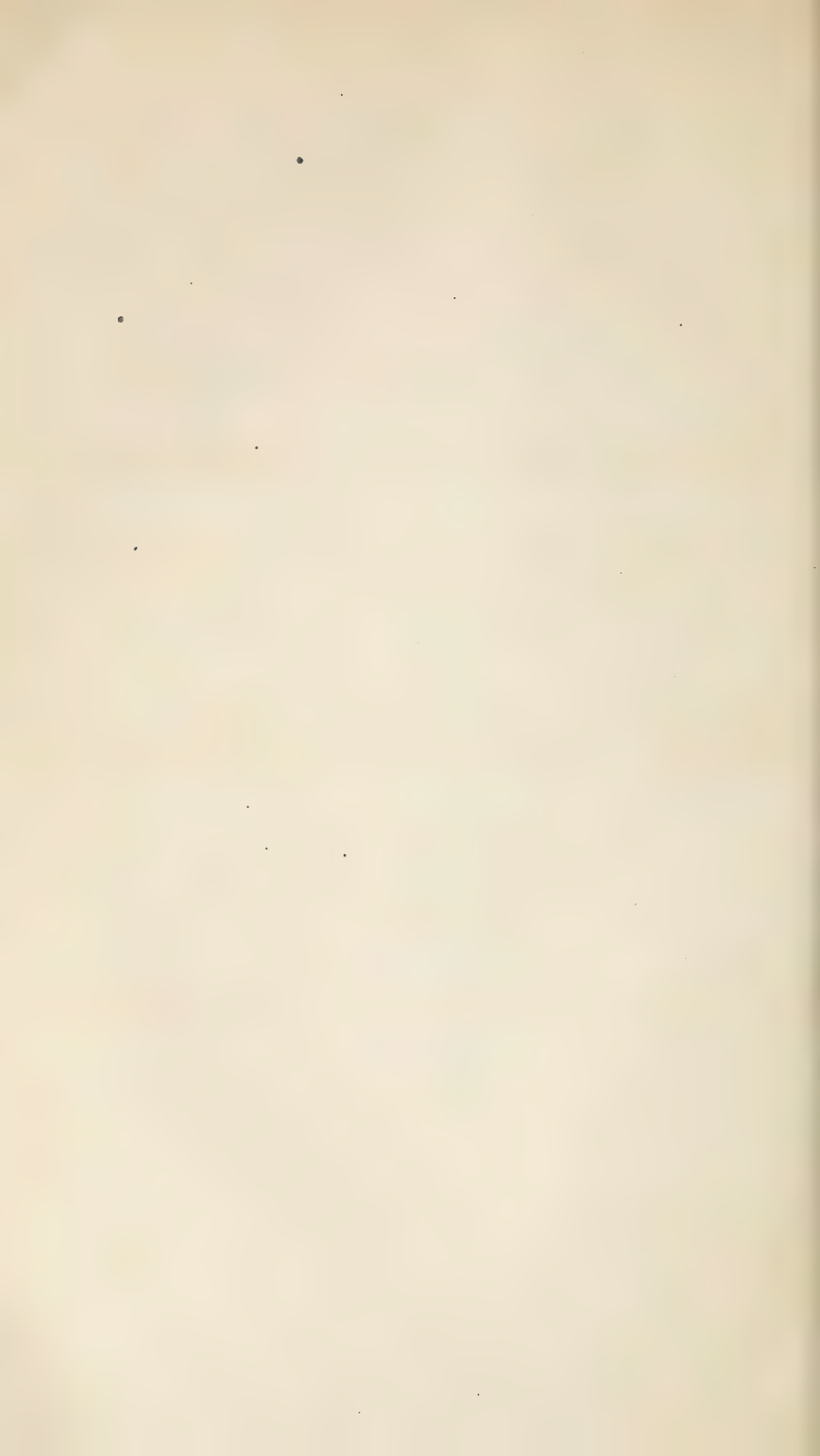
Permit me to return thanks to you, gentlemen of the Board, for the promptness with which the necessities of the School have been attended to, as also for frequent counsel and encouragement.

I have the honor to remain,

Your obedient servant,

GEORGE C. GORHAM.
Superintendent State Reform School.





REPORT OF THE BOARD

OF

State Capitol Commissioners.

DECEMBER, 1862.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

To his Excellency,

LELAND STANFORD,

Governor of the State of California :

SIR :—The State Capitol Commissioners respectfully submit the following report and recommendations, as by them deemed necessary for the further construction of the State Capitol.

A full statement of the disbursements of the unexpended appropriation, in accordance with the provisions of an Act in relation to the State Capitol building, approved April nineteenth, eighteen hundred and sixty-two, showing the amount paid Messrs. Blake & Connor, late contractors, and the amount disbursed for material, tools, and labor, is hereunto annexed, marked Exhibit A.

A statement of the total amount expended, in conformity with certain laws passed by the Legislature, and in the construction of the State Capitol from its commencement up to the present time, will be found in Exhibit B, hereunto annexed.

The Commissioners requested Reuben Clark, Superintendent, to make an estimate of the cost of constructing the walls of the building to the height of the principal floor. The Superintendent's report is herewith submitted, marked Exhibit C. The Architect has also given the cost of the floors. The Commissioners do not, however, intend to construct any of said floors during next season.

Should the Legislature deem it expedient, it is the intention and desire of the Commissioners to construct the walls to the height of the principal floor, and carry the walls of the rotunda ten feet above the main walls, during the year eighteen hundred and sixty-three. The necessary expenditure to do this will be one hundred and twenty-one thousand and fifty-six dollars and fifty-cents, (\$121,056 50,) as is shown by the Architect's report.

The Commissioners would respectfully recommend that a law be passed providing for the levying and collection of an ad valorem tax of one mill on every one dollar of assessable property in this State, and create a special fund, to be called the State Capitol Fund. This would permit the work to progress as rapidly as practicable, and not cause any hindrance or delay in its construction, as heretofore.

The creation of a separate and express fund for this purpose would

enable the Commissioners to effect more advantageous contracts for material, as the contracting parties could calculate the time when they would receive their pay, while under the present plan of appropriating moneys from the General Fund, the contractors cannot make an estimate of the time of payment under their contracts; hence, the contractor cannot estimate so closely for the furnishing of material as he could were a special fund created.

The Commissioners are fully satisfied that the system of contracting for material and doing the work by daily labor, is the most beneficial to the State. The State can have the material furnished and labor performed as cheap, if not cheaper, than any contractor who might undertake the construction of the work, and the building will be more substantial and better built than by any contractor would be done.

The amounts paid Mr. Fennell and Messrs. Blake & Connor, the former contractors, for relief and annulling of their contracts, which was an entire loss to the State, and without any value received whatever, amounted to more than the total amount expended in the construction by the Commissioners, this year.

The Commissioners do most earnestly recommend that the same system of construction of the building be continued as that enacted by the Legislature of eighteen hundred and sixty-two.

D. R. ASHLEY,
WM. H. WEEKS,
A. K. GRIM,
ALFRED REDINGTON,
Commissioners.

EXHIBITS.

[A]

STATEMENT

Showing the amount expended in the construction of the State Capitol since the Report made to the Legislature by the Board of State Capitol Commissioners, dated March 12th, 1862.

DISBURSEMENTS.		
Amount paid Messrs. Blake & Connor, under the provisions of section two of an Act approved April 19, 1862, being 25 per cent of five estimates amounting to \$45,570 26.....	\$11,392 56	
Amount paid Messrs. Blake & Connor, under the provisions of section three of an Act approved April 19, 1862, being "for materials furnished and work done by them on the Capitol Building, since the first day of January, 1862, and for the damages sustained by them by reason of the flood, and all other claims growing out of said contract and the annulling thereof,".....	10,000 00	\$21,392 56
Salary of Architect from March 1, 1862, to February 1, 1863—eleven months, at \$300		3,300 00
Salaries of Commissioners from March 1, 1862, to April 19, 1862.....		841 62
Salary of Secretary from January 9, 1862, to April 19, 1862—three months and eleven days, at \$100.....		336 66
Replacing plans destroyed by flood.....		500 00
Rent of Architect's office during flood.....		60 00
Sundry advertisements for proposals for furnishing materials		89 25
DISBURSEMENTS UNDER THE SUPERVISION OF REUBEN CLARK, ARCHITECT.		
<i>Labor.</i>		
March, 1862, as per pay roll.....	\$91 20	
June, 1862, as per pay roll.....	374 96	
July, 1862, as per pay roll.....	1,708 95	
August, 1862, as per pay roll.....	5,412 49	
September, 1862, as per pay roll.....	5,516 12	
October, 1862, as per pay roll.....	1,505 86	
	\$14,609 58	
<i>Materials.</i>		
Gravel and Sand, as per contract with W. Lynch.....	\$1,084 00	
Cement, as per contract with C. W. Hayden.....	5,236 00	
Bricks, as per contract with John Tansman.....	9,015 00	
Lime, as per contract with J. H. Culver and H. T. Holmes.....	1,809 87	
Granite, as per contract with E. O. Dana.....	411 01	
	17,555 88	
<i>Sundries.</i>		
Huntington & Hopkins—tools, etc., (two bills).....	\$410 96	
N. L. Drew & Co.—lumber, (two bills).....	275 73	
Daniel W. Clark—lead pipe and plumbing, (two bills).....	583 89	
T. H. Cook—hauling 100 tons of rock from levee.....	75 00	
George Cox—pails, brooms, salt, etc.....	23 32	
M. Fitzpatrick—red lead, etc.....	27 50	
City Water Works—water, (two bills).....	100 00	
H. T. Holmes—extra cement.....	344 00	
Leonard & Seaman—stationery for Architect.....	52 75	
A. C. & W. Bidwell—coal, (two bills).....	46 00	
J. Doherty—chemicals.....	103 62	
William V. Frazier—repairing roof of Architect's office..	27 18	
	2,069 95	34,235 41
Balance of appropriations unexpended.....		40
		\$60,755 90

[A]

STATEMENT

Showing the amount expended in the construction of the State Capitol since the Report made to the Legislature by the Board of State Capitol Commissioners, dated March 12th, 1862.

BALANCE, MARCH 12, 1862.

Balance unexpended of the appropriations for the construction of the State Capitol, as per report of the State Capitol Commissioners, dated March 12, 1862.....	\$60,755 90
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\$60,755 90

[B]
STATEMENT

Of the total amount expended by the State Capitol Commissioners in the construction of the State Capitol.

DISBURSEMENTS.

Amount paid Michael Fennell, on account of work done and materials furnished for the construction of the foundation and basement story walls of the State Capitol, under contract dated September 20, 1860—75 per cent of fourteen estimates, \$19,800 45.....	\$14,850 33	
Amount paid Michael Fennell, under the provisions of an Act approved May 20, 1861, in full settlement of his contract.....	19,764 22	\$34,614 55
Amount paid Messrs. Blake & Connor, on account of work done and materials furnished for the completion of the foundation and basement story walls of the State Capitol, under contract dated July 29, 1861—75 per cent of five estimates, \$45,570 26.....	\$34,177 70	
Amount paid Blake & Connor, under section two of an Act approved April 19, 1862.....	11,392 56	
Amount paid Blake & Connor, under section three of an Act approved April 19, 1862.....	10,000 00	55,570 26
Salaries of State Capitol Commissioners from April 1, 1860, to April 19, 1862—24 months and 19 days, each \$1,000...		10,263 47
Salary of Architect of the State Capitol from July 17, 1860, to February 1, 1863—30 months and 14 days, at \$300.....		9,140 00
Salary of Secretary Board of Commissioners from May 9, 1860, to April 19, 1862—23 months and 11 days, at \$100..		2,336 66
Set of plans and specifications adopted by the Board.....		1,500 00
Abstract of title to State Capitol Grounds—L and N, and Tenth and Twelfth streets.....		350 00
Brick house on Capitol Grounds for Architect's office.....		240 00
Sundry expenses, boring for foundation, filling wells, fitting up Architect's office, stationery, etc.....		365 00
Expenses laying corner stone State Capitol, May 15, 1861		735 00
Replacing plans destroyed by flood.....		500 00
Rent of Architect's office during the flood.....		60 00
Sundry advertisements for proposals for furnishing materials.....		89 25
Amount expended for labor as per exhibit marked "A"...		14,609 58
Amount expended for materials as per exhibit marked "A"		17,555 88
Amount expended for sundries as per exhibit marked "A"		2,069 95
Balance unexpended.....		40
		<u>\$150,000 00</u>

[B]

STATEMENT

Of the total amount expended by the State Capitol Commissioners in the construction of the State Capitol.

APPROPRIATIONS.

Amount appropriated under provisions of an Act approved March 29, 1860.....	\$100,000 00
Amount appropriated under provisions of an Act approved May 20, 1861.....	50,000 00

\$150,000 00

[C]

SACRAMENTO,
December 2d, 1862. }

To the Honorable the Board of State Capitol Commissioners :

GENTLEMEN :—In compliance with a resolution of your Board, of October thirty-first, eighteen hundred and sixty-two, calling for the amount of work which has been executed on the State Capitol building, under the provisions of an Act of the Legislature of the State of California in relation to the State Capitol building, approved April nineteenth, eighteen hundred and sixty-two, also, for an estimate cost of the completion of the basement story walls, and the cost of the construction of the floors, in accordance with the modified specifications, also, the cost of construction with fire-proof materials—I beg leave to submit the following report :

Amount of Work Executed on the Building, under the provisions of the Act referred to :

Number of cubic yards of excavations for foundations.....	175
Number of cubic yards of concrete.....	345
Number of bricks purchased.....	1,327,000
Number of bricks on the ground, furnished under former contracts.....	220,000
Number of bricks thrown down and injured by the floods.....	80,000
Number of bricks taken down in consequence of changes....	15,000
Number of bricks laid in the walls.....	1,642,000
Number of square feet of cut granite set in the walls.....	2,021

Cost of the Various Materials used and employed in the Construction of the Work.

<i>Materials.</i>	
Gravel and sand contract with Michael Lynch.....	\$1,084 00
Cement contract with C. W. Hayden.....	5,236 00
Brick contract with John Tansman.....	9,015 00
Lime contract with Holmes & Culver.....	1,809 87
Granite contract with E. O. Dana.....	411 01
	<hr/> \$17,555 88

Amount brought forward		\$17,555 88
<i>Sundries.</i>		
Huntington & Hopkins, tools, etc	\$410 96	
N. L. Drew & Co., lumber	275 73	
D. W. Clark, plumbing	583 89	
T. H. Cook, hauling rock from levee	75 00	
George Cox, pails, brooms, salt, etc	23 32	
M. Fitzpatrick, red lead, etc	27 50	
City Water Works, water	100 00	
H. T. Holmes, cement	344 00	
Leonard & Seaman, stationery	52 75	
A. C. & W. Bidwell, coal	46 00	
J. Doherty, chemicals	103 62	
William V. Frazier, repairing roof of office	27 18	
		2,069 95
<i>Cost of Labor employed in the Construction of the Work.</i>		
Amount for March	\$91 20	
Amount for June	374 96	
Amount for July	1,708 95	
Amount for August	5,412 49	
Amount for September	5,516 12	
Amount for October	1,505 86	
		14,609 58
Total expenditures		\$34,235 41

Of the amount expended for labor, nine hundred and sixty-six dollars and twenty cents (\$966 20) was for cutting drains, clearing the deposit formed by the floods from the materials on the grounds, taking down and cleaning bricks and granite, caused by the change made in the grade line of the building. The expense of carrying on the works during the past season has been proportionally greater than the probability is that it will ever be again during the progress of the works, as it was not alone repairing the damages and cleaning the materials, but also the purchase of tools, lumber for scaffolding, laying water pipes, etc. All of these implements, scaffolding, etc., will be required for carrying on the works until the completion of the building. In accordance with your instructions, I made an exchange of cement for one hundred and twenty-five thousand brick, and there is still remaining on the grounds one hundred and forty barrels; also, three-fourths of a barrel of sulphur, the cost being five hundred and sixty-five dollars, (\$565,) all of which is included in the foregoing expenses of the works.

Estimate cost of the completion of the Basement Story walls to the line of the principal Floor, (the Rotunda to be built to the height of ten feet above the floor line,) also, the Arches forming the principal Floors of the Porticos included.

3,000,000 of bricks laid in the walls @ \$15	\$45,000 00	
24,700 square feet of granite ashlar @ \$2 40.....	59,280 00	
3,075 square feet now on the grounds to be re-cut and set @ \$1	3,075 00	
Labor on mouldings of panels.....	2,000 00	
1,450 lineal feet of moulded string course @ \$4..	5,800 00	
1,119 lineal feet of architrave @ \$3 50.....	3,416 50	
Iron vaults and frames.....	2,250 00	
Centering, etc.....	800 00	
		\$121,621 50
Deductions for materials on the grounds.....		565 00
Total cost of basement walls.....		\$121,056 50

Cost of constructing naked Floors for Basement and Principal Stories, as per modified specifications.

250,000 feet of joist @ \$43.....	\$10,750 00
1,800 pounds of anchors @ 12 cents.....	216 00
Hardware, etc.....	250 00
Total	\$11,216 00

Cost of constructing naked Floors for Basement and Principal Stories with Fire Proof Materials.

160 tons of iron beams @ \$120.....	\$19,200 00
6,400 pounds of iron ties @ 10 cents.....	640 00
520,000 bricks for arches @ \$18	9,360 00
Centering, etc.....	1,250 00
Total	\$30,450 00

Cost of constructing basement with modified floors.....	\$132,282 50
Cost of constructing basement with fire-proof floors.....	\$142,516 50

Estimate of the construction of the Floors with brick arches supported on wrought iron beams, with the exception of the Rotunda and Corridor Floors in the principal story, which are to be formed with groined arches and the Floors to be laid with Encaustic Tiles. Also, an estimate of the construction of all the Floors, in accordance with the modified Specifications :

BASEMENT—Fire Proof Floor.

95 tons of iron beams @ \$120.	\$10,450 00	
2,800 pounds of iron ties @ 10 cts.....	280 00	
240,000 bricks for arches @ \$18	4,320 00	
27,000 feet of tiling @ 85 cts.....	22,950 00	
Centering, etc	500 00	
		\$38,500 00

BASEMENT—Wood Floor.

130,000 feet of joist @ \$43.....	\$5,590 00	
55,000 feet of flooring @ \$52.....	2,860 00	
Hardware, etc.....	150 00	
		8,600 00

Difference in expense of floors.....	\$29,900 00
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PRINCIPAL STORY—Fire Proof Floors.

65 tons of iron beams @ \$120.....	\$7,800 00	
280,000 bricks @ \$18	5,040 00	
3,600 pounds of iron ties @ 10 cts.....	360 00	
26,500 square feet of tiling @ 85 cts.....	22,525 00	
Scaffolding, etc.....	750 00	
		36,475 00

PRINCIPAL STORY—Wood Floor.

120,000 feet of joist @ \$43.....	\$5,560 00	
50,000 feet of flooring @ \$52.....	2,600 00	
1,600 pounds of clamps, etc. @ 10 cts.....	160 00	
Hardware, etc.....	150 00	
		8,470 00

Difference in expense of floors.....	\$28,005 00
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SECOND STORY—Fire Proof Floor.

25 tons of iron beams @ \$120	\$3,000 00	
2,500 pounds of iron ties @ 10 cts... ..	250 00	
115,000 bricks @ \$18	2,070 00	
20,000 feet of tiling @ 85 cts.....	17,000 00	
Centering, etc.....	350 00	
		22,670 00

Amount brought forward—fire proof floor.....	\$22,670 00
SECOND STORY— <i>Wood Floor.</i>	
75,000 feet of joist @ \$44.....	\$3,300 00
30,000 feet of flooring @ \$52.....	1,560 00
1,500 pounds of iron ties @ 12 cts.....	180 00
Hardware	250 00
	5,290 00
Difference in expense of floors.....	\$17,380 00
Total cost of fire proof floors	97,645 00
Total cost of wood floors.....	22,360 00
Difference in expense of floors	\$75,285 00

Very respectfully,

Your obedient servant,

REUBEN CLARK.

ANNUAL REPORT

OF THE

SWAMP LAND COMMISSIONERS,

FOR

THE YEAR 1862.

BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

OFFICE SWAMP LAND COMMISSIONERS,
Sacramento, December 11th, 1862. }

To His Excellency,

LELAND STANFORD,

Governor of the State of California :

DEAR SIR:—I am instructed by the Swamp Land Commissioners to lay before you their annual report. In it you will find a full discussion of our title to Swamp Lands; a full account of their segregation; an official correspondence in relation to the Legislative diversion of the Swamp Land Fund; a list of Districts, their boundaries, contents, money to their credit, lands sold by the State, reports of Engineers, cost of reclamation, an account of all the money spent, to whom allowed, when, what for, and the amounts; also, plans for reclamation suggested and discussed; together with all other necessary information connected with the duties of the Board.

It is almost impossible for one Legislature, or even two, to inaugurate a great system like that of reclaiming the Swamp Lands in this State without committing some errors, and even if no errors are committed, the insufficiency of the law may operate almost as badly as if there were; such works are always approached with caution, as they should be. In May, eighteen hundred and sixty-one, the Legislature passed an Act that purports to be an Act for the segregation and reclamation of the Swamp Lands, but in some respects fell short of its intention. It provided no way by which lands could be reclaimed if the cost was more than one dollar per acre. In eighteen hundred and sixty-two the Legislature undertook to apply a remedy by providing that if one dollar per acre would not reclaim, then the owners of property might petition the Board of Supervisors to levy a tax for money enough to effect permanent reclamation.

The effect of this has been that the people cannot agree among themselves. Some have stock farms, and are opposed to reclamation because it would limit their range for cattle, horses, sheep, and hogs.

Some have fine farms that seldom are overflowed. They would sooner risk another flood than pay for levees. Some have narrow fronts on the river, and are unwilling to lose part of it to make the levee. Some are unable or unwilling to raise the money for improvement.

More particularly has this been the case during the last year. The Legislature was so well convinced of the great sufferings of the people that they remitted the interest on these lands for one year. This has diminished the Swamp Land Fund much below what it would have been. We have done all we could under that Act. What we have done is not lost, for we have made the surveys, taken the levels, have the maps, profiles, and estimates, from which the reclamation can commence without loss of time or money. Just as soon as the way for procuring the means is provided by Act of the Legislature, contracts can be made, and the work done.

Perhaps it is even better that the work was not commenced last year, for there were but few laborers in the State. The war must close sometime, and when it does, thousands will flock to this State for employment. We want the population to settle up and cultivate these lands and render them valuable. If we can give the emigrants labor enough to buy them a home, we shall be advancing the cause of humanity, and add very greatly to the taxable property of the country.

Although not complete in itself, yet the *system* of reclamation commenced by the Acts now in existence, is a credit to every man who in the Legislature fought so manfully for its inauguration.

But, to benefit the country, the law must be amended so as to authorize the necessary tax without waiting for the people to petition. We have an example of the necessity of such a law, in the fact that the power was granted to the City of Sacramento. Had the City Levee Commissioners depended upon petitions from the people, the levee would never have been built; the people would not have petitioned for raising the tax; yet when it was levied they paid it cheerfully, and the work is done. It is a lasting credit to the city and the energy of the people who executed it. It is no hardship that the people who own these lands should pay the money necessary to reclaim them; they have taken all of the best land at one dollar (\$1) per acre, which is an exceedingly small sum, for there is not an acre of such land that is not worth from five dollars (\$5) to fifty dollars (\$50), while the lands still belonging to the State are useless, because they cannot be reclaimed. The State has no representation in petitioning for the reclamation of her land, which she wants in the market as soon as possible. The owners of the best lands are interested in keeping the lowest lands unsaleable, as they can have the use of them for pasturage when the water goes down, and it is kept out of market because it can only be used for grazing purposes. The land must be reclaimed—the Donation Act makes it a condition annexed to the title—the good of the country demands it; it would open an immense number of farms for millions of industrious farmers, who will continue to come to this country as long as they can make even thirty cents (30) a day with board, which is above the wages of laborers throughout the civilized world, where no extraordinary public works disturb the equilibrium of the usual domestic enjoyment of agricultural communities. These are facts worthy of Legislative consideration.

We have segregated one million eighteen thousand one hundred and forty-two acres of Swamp Land, and obtained proof that it belongs to the State. Of this, only one hundred and sixty one thousand eight hundred and ninety-two acres had been returned as Swamp Land by the United States Surveyors; so that we have saved nine hundred and fifty-six thousand two hundred and fifty acres of the best Swamp Lands, which, if sold at one dollar (\$1) per acre, and interest for one year, it would add to the Swamp Land Fund one million fifty-one thousand eight hundred and seventy-five dollars (\$1,051,875.) We have established thirty-eight Swamp Land Districts, containing four hundred and eighty-five thousand two hundred and fifty-two acres of Swamp Lands, and by scientific investigation learned that each and all of them can be permanently reclaimed; we have the maps, plans, profiles, estimates, specifications, and field notes. We have established the line of levee for Sacramento City, and the greater part of District Number Two, with the money due the District from the Swamp Land Fund, and the taxes paid by Sacramento City. The "City Levee Commissioners" have built a splendid levee and other improvements, creditable alike to them and the people that have so promptly and willingly paid the money to do it.

We are not only to make an annual report in detail, but we are to make suggestions and recommend such measures as we may deem proper in connection with the purposes of the Commission.

Under the law as it now stands, every District has all the money collected for lands sold within its boundaries, but no District has money enough to reclaim itself. The land is valueless to borrow money on until capitalists are convinced that it has been or will be reclaimed. Then, we contend, it is not wise to continue this state of things. We therefore recommend that the Commission be permitted to use the Swamp Land Fund in reclaiming a District, and when reclaimed tax it for the amount of cost over and above its own dues, and pay it back into the Treasury; then with the same money reclaim another District, and so on. In this way the money would be constantly in use, while the people would be enabled to borrow money on lands reclaimed, and thereby develop the agricultural resources of their farms. Last winter we recommended drainage of the tules with part of the District Fund, before making any other improvement; this would be a part of the permanent reclamation of the District, and by drawing off the water early in the spring the tule lands would become fine grass lands. Therefore we repeat that recommendation.

Experience has taught us that five Commissioners are more than are necessary; three have, in a great measure, done the work so far. We therefore recommend that the Commission be reduced to three, with the power to elect a Secretary either in or out of the Board, and also an Office Engineer, giving to them salaries adequate to the labor they would have to perform. With those amendments to the law, an active, intelligent, and working Commission, might be of great service to the country for the next few years.

The Legislature appropriated two hundred thousand dollars (\$200,000) for the use of the Commission; they have spent but seventy-eight thousand eight hundred and ninety dollars and sixty-four cents (\$78,890 64,) eighteen thousand one hundred and fifty-seven dollars and ninety cents

(\$18,157 90) of which was paid into the Sacramento City Levee Fund, according to law.

Our report is necessarily very lengthy, but not too much so for the importance of the subject.

Very respectfully, your obedient servant,

A. M. WINN,

President of Swamp Land Commissioners.

REPORT OF HON. WILLIAM H. PARKS,

AS

LAND COMMISSIONER,

TO

VISIT THE CITY OF WASHINGTON.

BENJ. P. AVERY.....STATE PRINTER.

REPORT.

SACRAMENTO CITY, }
January 13th, 1863. }

To His Excellency,
LELAND STANFORD,
Governor of California :

SIR:—In accordance with the following concurrent resolution, I have the honor to submit the following Report.

Respectfully,

WM. H. PARKS.

CONCURRENT RESOLUTION.

Resolved, by the Assembly, the Senate concurring, that W. H. Parks is hereby appointed a Committee on the part of the Legislature, whose duty it shall be to visit the City of Washington, and to confer with the Secretary of the Interior, or with such persons as he may appoint, for the final settlement of all questions relating to and the ownership of all lands claimed by the State under the provisions of the several Acts of Congress making donations of land to this State. Said Committee shall procure such evidence as may be deemed necessary from the Register of the Land Office, Surveyor-General, Board of Swamp Land Commissioners, and State Locating Agents, showing the location and quantity of all lands claimed by the State, and which have not been ceded by the United States, and he shall report his transactions in detail to the Governor, to be by him transmitted to the Legislature at its next session.

Adopted by the Assembly, April eleventh, eighteen hundred and sixty-two.

Concurred in by the Senate, April fourteenth, eighteen hundred and sixty-two.

After calling upon the various departments for information concerning

the land matters of the State, I received the following communication, which fully sets forth the whole matter :

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL, }
Sacramento, June 12th, 1862. }

Hon. WILLIAM H. PARKS,

State Commissioner of Public Lands, etc.,

Washington, D. C. :

SIR :—In conformity with the concurrent resolutions passed by the Legislature of this State at its last session, selecting you as Commissioner on the part of the State to proceed to Washington, and there to attend to the interests of the State in connection with its several donations of land made by Congress; I herewith furnish you with the instructions required from this office :

SWAMP AND OVERFLOWED LANDS.

By an Act of Congress, September twenty-eighth, eighteen hundred and fifty, all the Swamp and Overflowed Lands unsold at the date of its passage were donated to the State.

The Commissioner of the General Land Office at Washington, in carrying out the provisions of this law, prescribed a form of affidavit to be used to prove the swampy character of the land at the date of the passage of the Act, viz. : on the twenty-eighth of September, eighteen hundred and fifty, at which date thousands of acres of our Swamp Lands had never been seen by the white man, consequently, it is, in many instances, impossible to obtain the necessary affidavits. This affidavit should be so modified that an affidavit *that the lands sought to be located have, for two or three years previous to the location, been rendered unfit for cultivation by reason of their swampy character or overflow*, should be regarded as sufficient to establish their character.

Owing to the great area of our State, we have not been and will not be able for years to complete the segregations of the Swamp and Overflowed Lands in the distant and sparsely settled portions; and from other causes, hasty surveys, the little time allowed to complete them, etc., much that is Swamp Land is not included in the segregations; but if the General Land Office will adopt the rule that evidence of the character of the land may at any time be produced, it is all we desire. In this connection, it is desirable that you should obtain the decision of the Commissioner of the General Land Office upon the question whether the State would be authorized to select other lands in lieu of the sixteenth and thirty-sixth sections, which occur in Swamp Lands, and are consequently covered by two grants or donations.

SCHOOL LANDS.

By the Act of March third, eighteen hundred and fifty-three, there was granted to the State the sixteenth and thirty-sixth sections of every township in the State for School purposes; also, five hundred thousand acres for purposes of internal improvement, which was by an Act of the State Legislature diverted to the use of the Public Schools; also, seventy-two sections for a seminary of learning; also, ten sections for public buildings.

All of these lands have, by the authorities of the State, been treated as,

and called, School Lands, and are, in part, disposed of in school warrant locations, and selections under the different State laws, a compiled copy of which I herewith send you. The chief difficulty which is likely to arise in the disposal of these lands is in the possibility of a difference in the construction of the law of March third, eighteen hundred and fifty-three, by the State and United States authorities.

The State authorities regarding this law, which treats of unsurveyed lands, as giving "the proper authorities of the State" the power to select unsurveyed as well as surveyed lands in lieu of the sixteenth and thirty-sixth sections granted or otherwise disposed of by the United States, have for years been acting under this construction, and have disposed of thousands of acres of unsurveyed and unoccupied public lands.

Some of the Registers of the local United States Land Offices are in doubt of the correctness of this construction, and the question should be settled by the Commissioner of the General Land Office, or by law of Congress.

For full particulars and instructions in regard to the School Lands, I refer you to the accompanying copy of my letter of May eighth to the California delegation in Congress, which letter I desire to form part of these instructions. If the instructions therein indicated to the Local Registers from the Commissioner of the General Land Office cannot be obtained, the matter should be presented to Congress, and its passage urged in order that the various purchasers from the State may be protected in their purchases. By the affidavit which the State requires before a selection can be approved, you will see that the lands must be *unoccupied and unimproved*, conflicting with the rights of no other person.

For many reasons which I have given you verbally, the State should be allowed to select other lands in lieu of sixteenth and thirty-sixth sections which occur in the mineral districts, which lands are withheld from sale, and a full showing that the State is compelled to support Schools in the mineral as well as agricultural districts, I have but little doubt would secure the passage of a law authorizing such selections.

I cannot too strongly urge upon you the necessity of obtaining from the Commissioner of the General Land Office such instructions to the Registers of the local Land Offices as are indicated in my letter to the California delegation in Congress, before referred to.

I have no doubt that the Secretary of the Interior, after a careful reading of the law of eighteen hundred and fifty-three, will construe it as I have done, and as all our State authorities have done, as authorizing the "proper authorities of the State" to select unsurveyed, as well as surveyed lands, in lieu of sixteenth and thirty-sixth sections, granted or otherwise disposed of.

This point settled, and the instructions sent as desired, is all we can ask, except the manner, and upon what evidence, patents shall issue to the State, which I propose shall be upon notice from the local Registers to the General Land Office that the State has made such selections, accompanied by affidavits that they are unoccupied and unimproved at the time of such selection.

I herewith inclose you a copy of the form of affidavit used by the State in all selections under the present law.

FIVE HUNDRED THOUSAND ACRE GRANT OF SEPTEMBER FOURTH, EIGHTEEN
HUNDRED AND FORTY-ONE.

Under the Act of September fourth, eighteen hundred and forty-one, this State was authorized to select, *in such manner as its Legislature should direct*, five hundred thousand acres of public land for internal improvements, and the Legislature authorized the sale and issue of School Land warrants, and authorized their location upon any of the public domain, surveyed or unsurveyed; and whenever proof is produced to the local Register that at the time of such location said lands were vacant and unoccupied, the Register should list the same to the State, to the exclusion of any parties who may claim pre-emption rights based upon settlements made subsequent to said warrant locations.

I beg leave to call your attention to the fact that in the returns of the United States Deputy Surveyors, a narrow strip of land along either bank of the Sacramento river, only a few rods in width, has been returned as high land, while the State has reliable affidavits proving the swampy character of the land. This conflict arises from the fact that the United States Surveyors made their surveys in the very dry season, and were not required to obtain affidavits of the character of the land.

The affidavits proving the character of the lands embraced in the segregations made by the State, will be found on file in the Land Office at Washington, to which I refer you. The State selections of other lands, when upon *surveyed* land, will be found in the same office, in the reports of the local Registers.

Complete lists of State locations upon unsurveyed lands will be forwarded to you as soon as they can be prepared at this office.

Any other information which I may regard of importance to you in settling land titles in our State, which may hereafter suggest itself, will, from time to time, be forwarded to you.

I regret very much that the time fixed for your departure did not allow you a few days, at least, in my office, for consultation and preparation of the desired information, but trust that your extensive experience and information in the different land questions of our State, may supply all deficiencies; and let me further say, that in the settlement of general principles, our State will be much more benefitted than in the procuring titles in particular cases, leaving such questions as I have indicated open to future settlement.

With my best wishes for your success, I am, very respectfully, your obedient servant,

J. F. HOUGHTON,
Surveyor-General, and Register of State Land Office.

[Copy.]

SACRAMENTO, }
May 8th, 1862. }

Hon. T. G. PHELPS, M. C.,
Washington, D. C. :

DEAR SIR:—Allow me to call your attention, and through you the attention of our entire delegation in Congress, to the following important extract of a letter written by Mr. C. F. D. Hubbard, Clerk of the U. S.

Land Office at Marysville, in reply to a letter of inquiry from the State Locating Agent for the Marysville District, to wit:

"Your question as to what rights are allowed to be made against the State's application, after it is filed in this office, it seems to be quite general; however, I will try to answer it: If the State files an application upon unsurveyed land, either for school warrant location, or in lieu of the sixteenth and thirty-sixth sections, when the maps are returned to this office of such land, the State must renew her application immediately, and after the expiration of three months from the date of filing of maps, the selection will be approved upon its appearing that it interferes with no pre-emption rights vested before the return of the map.

"It will be the unvarying rule in this office, I believe, to protect pre-emptors in good faith in their interest as against the State, in all classes of lands, surveyed or unsurveyed, and a satisfactory showing of pre-emption rights to the officers here, will always, I believe, be sufficient to defeat the State's selection."

You will readily see, if the above opinion is sustained at the General Land Office at Washington, the large number of purchasers of these lands from the State, *unless they have taken actual possession* of and occupied the lands so purchased, have acquired no rights whatever against any person who may, at any time before the filing of the maps of township surveys in the local Land Office, desire to file his declaration of intention to hold the same by pre-emption.

I beg leave to refer the delegation to the Act of March third, eighteen hundred and fifty-three, and the Acts amendatory thereto, by which it will be seen that by the original Act no pre-emption rights could be acquired upon any unsurveyed lands except within one year after the passage of the Act, or before March third, eighteen hundred and fifty-four, which I think was, by subsequent amendments, extended to eighteen hundred and fifty-six, at which time all pre-emption rights upon unsurveyed lands would be held valid, and *no more could be acquired*. By section seven of said Act, you will see that where the sixteenth or thirty-sixth sections have been covered by private grants, or otherwise disposed of, "*other land shall be selected by the proper authorities of the State in lieu thereof*."

Under this showing, pre-emption rights could not be acquired upon unsurveyed lands since eighteen hundred and fifty-six, but the State authorities are, by the same Act, authorized to select any unoccupied surveyed or unsurveyed lands in lieu of the sixteenth and thirty-sixth sections granted, or otherwise disposed of, and this opinion from the local Land Office, which, I believe, is held by all the Registers throughout the State, is contrary to the law, wholly wrong, and is now working incalculable injury to the land titles of our State.

In view of these facts, it is very desirable that the General Land Office should be requested to instruct the several Registers of the local Land Offices of this State to the following effect, to wit:

That whenever the proper authorities of the State shall file with the Register of the local Land Office of the United States their application for any surveyed or unsurveyed and unoccupied public land, in part satisfaction of any of the several donations made by Congress to this State, which application shall be accompanied by proper affidavits, showing that the lands sought to be purchased are unoccupied and unimproved, except

by the applicant, it shall be the duty of said Register to accept such application in part justification of said donation; and thereafter he shall allow no pre-emptions to the same lands, or in any other way interfere with the right of the State to dispose of the same.

Considerable tracts of land were located by school warrants upon unsurveyed lands as early as eighteen hundred and fifty-two, in part satisfaction of the five hundred thousand acre grant, which lands are still unsurveyed, and selections are daily being made in lieu of sixteenth and thirty-sixth sections, and purchasers believe they are getting good titles, purchasing in good faith; yet the Registers of the different land offices will recognize no such selections, and allow pre-emptors to locate them after notice of the State selections.

Difficulties will multiply and cause much trouble and insecurity in titles, unless some such instructions as I have indicated are sent to the several Registers.

The State has sold, of the five hundred thousand acre grant, and the sixteenth and thirty-sixth sections, or lands in lieu thereof, about eight hundred thousand acres, and it is absolutely necessary, in order to protect purchasers in good faith, that such instructions should be given.

Will the delegation please give this subject the immediate attention which its importance demands.

I have the honor to be, gentlemen,

Your obedient servant,

J. F. HOUGHTON,
Surveyor General, and Register of State Land Office.

P. S.—I inclose a blank of the form of application and affidavit filed with the United States Register in all sales by the State under the present law.
J. F. H.

To the Congressional Delegation of the State of California,
Washington, D. C.

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL, }
Sacramento, July 8th, 1862. }

Hon. W. H. PARKS,
State Commissioner of Public Lands,
Washington, D. C.:

SIR:—Herewith inclosed I hand you a copy of a letter from the Commissioner of the General Land Office at Washington, to the Register of the Humboldt Land District, seriously affecting the question of land titles issued by State authority in two classes of lands.

It seems clear to me that the decision of the Commissioner in both cases is contrary to the laws relating to the different donations of Land to the State; yet, as he has rendered the decisions, the absolute necessity of having the decisions reversed, or a law of Congress passed to protect all purchasers of unoccupied and unsurveyed Public Lands will readily suggest itself to you.

What we particularly desire is, to impress the department with the fact that in recognizing sales made by the State they are protecting ac-

tual settlers upon public domain, and asking the Commissioner of the General Land Office to issue to the Registers of the local Land Offices in this State such instructions as are indicated in my letter of May eighth, to our Congressional delegation, a copy of which I have furnished you.

My own opinion is that the best method to be pursued is to make our delegation thoroughly acquainted with the facts, and get them to urge a bill through Congress at its next session.

If, however, from your intercourse with the department, you are of opinion that a change may be made in these decisions, please have it done.

I have the honor to be, very respectfully,

Your obedient servant,

J. F. HOUGHTON,
Surveyor-General.

[Copy.]

GENERAL LAND OFFICE, }
January 2d, 1862. }

SIR:—Your action *in refusing* to allow the State Locating Agent to select lands for school purposes in lieu of sections sixteen and thirty-six, in townships which are covered entirely by Spanish grants, and of which there are no plats in your office, as set forth in your letter of the second of July last, *is approved*.

By the sixth section of the act of third March, eighteen hundred and fifty-three, "sections sixteen and thirty-six are granted to the State for the purposes of public schools in each township." But where a township falls wholly within the limits of a private claim, there is no Public Land, and no grant for school purposes in said township, nor is the State entitled, under the act of twenty-sixth February, eighteen hundred and fifty-nine, to indemnity for the school sections, which would otherwise exist in said township, any more than they would be if the township were entirely covered by a lake or navigable stream.

The Agent for the State cannot be allowed to file unsurveyed land, with the view of locating the same when surveyed. The lands selected must be properly described, so as to be noted on the township plats, and entered in your tract books, and reported in due form to this office; and until this is done, no action will be taken in the case. See circular of August thirtieth, eighteen hundred and thirty-two, and amendatory circulars of May seventeenth, eighteen hundred and forty-four.

Your letter of the seventh June last, to which you refer, cannot be found on our files, and you will please to furnish a copy of the same, in order that we may understand the case therein presented to which you allude.

Very respectfully,

Your obedient servant,

J. M. EDMUNDS,
Commissioner.

, Register Land Office,
Humboldt, California.

BOARD OF SWAMP LAND COMMISSIONERS,
Sacramento, May 27th, 1862. }

Hon. WM. H. PARKS:

DEAR SIR:—I understand you intend leaving for Washington on the next steamer, and regret very much that I have not more time to prepare information in relation to the Swamp Lands donated by Congress to the State of California; but as you will remain there during the summer, we will have an opportunity of rendering other information as it comes to our knowledge. I feel a very deep interest in having our land titles complete. The want of title has done our State much harm; our citizens are ever uneasy upon the subject—they will not improve permanently until they feel secure in their possessions—they cannot feel secure until the patent of the United States is on file in the archives of this State. Hence your mission to Washington for the purpose of settling all matters of controversy in relation to State lands, will be looked upon by our citizens with most hopeful anxiety.

By a regular and practical system of reclamation, the Swamp Land of the State will soon become immensely valuable. The devastating floods of the last ten years, warn us to spare no pains in guarding against similar disasters in future. But the people must have title before they enter into such improvements with a hearty good will. This subject has been my study for years, but more particularly since I have had the honor of being one of the Swamp Land Commissioners of this State.

For definite information upon the subject, I must refer you to the accompanying documents:

First—The Act of Congress donating the Swamp Lands to this State.

Second—The State laws, providing for the sale and reclamation of Swamp Lands. (Pamphlet.)

Third—The annual report of the Swamp Land Commissioners of this State for eighteen hundred and sixty-one. (Pamphlet.)

Fourth—Our instructions to the County Surveyors and Engineers. (See pamphlet laws.)

Fifth—My letter to Swamp Land Commissioners, dated February seventeenth, eighteen hundred and sixty-two.

Sixth—My letter to Swamp Land Commissioners, dated April first, eighteen hundred and sixty-one.

Seventh—The correspondence between Amos Mathews, County Surveyor of Yolo County, and myself—very important.

Eighth—My letter to Messrs. B. B. Redding and James C. Pemberton, members of this Board, dated April twenty-third, eighteen hundred and sixty-two.

Ninth—My letter to E. F. Beale, United States Surveyor-General, dated April twenty-eighth, eighteen hundred and sixty-two, including one from the Marysville Land Office to J. F. Houghton, Surveyor-General of California, dated March seventeenth, eighteen hundred and sixty-two.

Tenth—A letter from E. F. Beale, United States Surveyor-General, dated April ninth, eighteen hundred and sixty-two, including letters A. B. and C; one from J. W. Mandeville, United States Surveyor-General, dated April twenty-third, eighteen hundred and sixty; and two from E. F. Beale, United States Surveyor-General, dated June eleventh and June twenty-ninth, eighteen hundred and sixty-one, which were addressed to Horace Higley, Surveyor-General, California.

Eleventh—My letter to E. F. Beale, United States Surveyor-General dated May fourteenth, eighteen hundred and sixty-two.

Twelfth—A letter from E. F. Beale, United States Surveyor-General, dated May sixteenth, eighteen hundred and sixty-two.

The contents of those letters will throw some light upon the causes that have prevented us from enjoying title to those lands some years ago.

I feel most grateful to Messrs. Beale and Houghton for their prompt and kind attention in listening to and answering my frequent importuning inquiries for information. Their energy of character and disposition to faithfully perform their duty, together with your well known sober and industrious habits, induces me to most confidently expect an early settlement of our land claims.

A modification of the affidavit in proving up our claims to Swamp Land, is essential. The arguments in favor of it will be found in the letter of E. F. Beale, United States Surveyor-General, of the sixteenth of May, eighteen hundred and sixty-two. They are, to my mind, plain and conclusive, without a word from me upon the subject. In fact, it is one of the most sensible letters I have yet seen written upon the subject of proof necessary.

From the State Surveyor-General, J. F. Houghton, you will obtain some very valuable information, as well as arguments in favor of a modification of the stringent requirements of the department at Washington. He will from time to time advise you of what is necessary to present to the Secretary of the Interior and Commissioner of Public Lands at Washington, during your stay in that city.

With all my heart I wish you may be as successful in settling our claims to lands as you have been in passing wholesome laws for reclamation and segregation of Swamp Lands in this State.

Very respectfully,

Your obedient servant,

A. M. WINN,
President Swamp Land Commissioners.

TITLE TO SWAMP LANDS.

OFFICE OF SWAMP LAND COMMISSIONERS, }
Sacramento, February 17th, 1862. }

TO THE BOARD OF SWAMP LAND COMMISSIONERS:

GENTLEMEN :—State policy suggests, and my duty demands, that I call your attention to the amendments necessary to render more effectual our system of reclaiming the Swamp Lands. One of the first things to be done is to quiet the minds of our citizens as to their title to Swamp Lands purchased from the State. They should clearly understand that the State title is perfect, which I propose to show. The State derives her title from an Act of Congress, passed September twenty-eighth, eighteen hundred and fifty, which reads thus: "The whole of those Swamp and Overflowed Lands, made unfit thereby for cultivation, which

shall be unsold at the passage of this Act, shall be and the same are hereby granted to said State, subject to the disposal of the Legislature; *provided*, however, that the proceeds of said lands shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of levees and drains."

We are told that the title does not pass to the State until the issuance of a patent by the General Government—an opinion based upon that part of the second section of the Act of Congress that reads thus:

"And at the request of the Governor, the Secretary of the Interior shall cause a patent to be issued to the State therefor, and on that patent the fee simple to said lands shall vest in said State."

In eighteen hundred and fifty-eight, the Secretary of the Interior found it necessary to determine that point, and accordingly addressed the United States Attorney-General upon the subject. Honorable J. S. Black was then acting. In his answer, he says:

"The Act of Congress was a present grant, and that it is not necessary that the patent should issue before the title vests in the State under the Act of eighteen hundred and fifty. When a party is authorized to demand a patent for land, his title is vested as much as if he had a patent itself, which is but evidence of his title."

There are many more decisions upon the subject, going to prove the same thing, but it is useless to cite more of them, as the Supreme Court has sustained the opinion that the State is absolutely owner of all the Swamp Lands within its limits, and no other parties have the right to convey.

In relation to the provisions of the second section of the Act, he says:

"The authority given to the Legislature to dispose of the lands, '*upon the patent*,' does not make the grantee less the exclusive owner of them than she would be if those words were omitted."

In eighteen hundred and fifty-one, the Secretary of the Interior, in answering some questions asked by the Commissioner of the General Land Office, speaking of the Act of eighteen hundred and fifty, says:

"The granting clause is in the first section, and the words employed, viz: '*are hereby granted*,' seem to me to impart a grant *in presenti*. They confer the right to the land, though other proceedings were necessary to perfect the title. When the selections are made and approved, or the patent issued, the title therefor becomes perfect, and has relation back to the date of the grant."

Again, he says:

"As the grants are regarded as taking effect from the date of the laws making them, respectively, and as vesting the inchoate title in the State, it follows that any subsequent sale or location of Swamp or Overflowed Lands (by the United States) must be held to be illegal, and the purchase money refunded, or a change of location ordered."

So that it will be understood that parties having entered Swamp Lands, and paid the money to the United States, will not be disturbed in their title, but the United States will pay the money into the Swamp Land Fund of the State, or permit the State to take other lands in lieu thereof.

How are the Swamp Lands to be selected? is a question often asked, but seldom answered satisfactorily. Under the Swamp Land Act of this State, approved May thirteenth, eighteen hundred and sixty-one, it is made our duty to instruct the County Surveyors how to segregate the Swamp Lands, and at the same time, to send the blanks, for affidavits, in the form required by the Commissioner of the General Land Office at Washington, for the purpose of procuring the proof as to the character of lands claimed by the State, and not listed to it by the Government of the United States. The returns, by the provisions of the law, are directed to be made by the County Surveyors to the Surveyor-General, he to the Governor, and the Governor to the proper department at Washington. In part, those officers have performed their duty, but all of their duty could not be performed for want of time. Therefore the evidence of our claim to Swamp Lands in this State is not complete.

Some of the members of this Board, and perhaps a majority, entertain the opinion that our duty in relation to the segregation of Swamp Lands ended with the report of the Surveyor-General. I think the duty of the Board is not limited as to time, but that we should continue taking testimony in relation to Swamp Lands as long as any can be found in the State. However, as a doubt upon the subject is manifested, the Legislature should apply the remedy by extending the time to an indefinite period.

The contracts heretofore taken for the survey of Public Lands, have been completed by the United States Surveyors in dry weather, when the water had gone off, and large herds of cattle had destroyed in part the evidences of overflow. The result has been that large quantities of Swamp Lands have been returned as high land, belonging to the United States. The Commissioner of the General Land Office at Washington furnished a form of affidavit that he required to prove up the State title to Swamp Lands that were erroneously returned by the United States Surveyors as high lands; though the form is exceedingly stringent in its provisions, yet we have been able to prove by them our title to nearly three hundred thousand acres of Swamp Lands that were claimed by the United States through their Surveyors, and which the State might have otherwise lost.

There is still a class of Swamp Lands that properly belong to the State. That is, the strip of land along the banks of the rivers and sloughs, which by the United States Surveyors is denominated high lands. Every year since the grant was made to the State, this land has been rendered unfit for cultivation from the uncertainty of exemption from overflow. This year it has been completely overflowed, and is liable to the same disaster every year. In adopting a basis upon which the lands of this class should be ascertained, the Secretary of the Interior requested the State authorities to indicate a method of selection which they would adopt in adjusting the grants. With the exception of Wisconsin, Alabama, and California, the States affected agreed to ascertain the lands by examination in the field. Michigan and Wisconsin adopted the field notes of the survey as the basis of their acceptance. California has indicated her course of selection in the several Swamp Land Acts of the State, and more particularly in the Act approved May thirteenth, eighteen hundred and sixty-one, under which we are acting. All per-

sons purchasing Swamp Lands under those Acts, made affidavits, in accordance with the regulations then in force, as adopted at Washington, and should therefore be received by the General Government as selections made by the State. It is held by persons in authority that when the State has indicated its method of selecting, and made selections of Swamp Lands, it must close its claims and take patent for the whole. This question went up from the Commissioner of the General Land Office to the Secretary of the Interior, in eighteen hundred and fifty-one, who says in his answer :

"I do not conceive that because the language of the law respecting the lists of the lands and the patents to the States is in the singular, it is inconsistent with the law to approve or patent lists of the lands, as they may from time to time be submitted for that purpose; and looking to the convenience and important interests of the States, which might be seriously injured by any other course, I think this ought to be done."

It is now more than eleven years since the grant was made. Other States have indicated the method they will adopt in defining the boundaries of their Swamp Land, and some of them have surveyed it and received their patents; while by delay, seriously injurious to the public interests, thousands of acres of the best Swamp Lands have been lost to this State by means of temporary levees and other improvements, which have, in many instances, deprived us of the means of proving their original character. Our rights must be asserted and urged upon the attention of the authorities at Washington, or our interests will continue to be neglected. To the energy and industry of Hon. Wm. H. Parks, of the Senate, and Hon. John Conness, of the Assembly, during the last session of the Legislature, are we indebted for the legal progress already made in preparing our claims for adjustment. If the services of those gentlemen could be obtained in presenting our claims at Washington, the interests of the State would be greatly promoted, by an early recognition and patenting of the lands we have already segregated.

There is another point to which I desire to call your attention. In Sutter, Colusa, Yolo, Placer, Sacramento, Solano, and San Joaquin Counties, there are large bodies of tules, in districts established by us, that ought to be drained early in the Spring, which would prevent the tule from growing, so that the Engineers may have a better opportunity to make their necessary examinations for reclamation, and when done, fine grass would come up in place of the tule, affording pasturage for an immense number of cattle. In some cases, a small amount would cut away the obstructions that dam up the water, and effectually drain large bodies of land. Under the law, we could not have such work done until the district is ready for letting contracts. I recommend that you ask the Legislature to so amend the law as to give us the power to drain or make special improvements in districts where such improvements would necessarily be a part of the general system of reclamation.

In some of the districts we have established, one dollar per acre, as authorized by law, will not reclaim them; the parties owning the lands would, in most cases, be willing to pay the balance, but that balance can only be equalized by taxation. I, therefore, suggest that we ask an amendment, authorizing the Board to determine what the cost of reclamation will be in a district; certify to the Board of Supervisors of the county in which the district may be situated the amount necessary to complete the reclamation; whereupon the Board of Supervisors shall

cause to be levied, collected, and paid into the State treasury the sum required.

Respectfully submitted,

A. M. WINN,
President Swamp Land Commissioners.

NOTE.—By order of the Board of Swamp Land Commissioners, a copy of this letter was sent to the Swamp Land Committee of both Houses of the Legislature, who met in joint session, and, after long and patient consideration, concurred in the opinions of the President, the leading features of which have become law.

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The members of the Swamp Land Commission, differing in opinion as to their right and the propriety of taking more testimony in relation to the character of swamp lands, after the County Surveyor reported to the Surveyor General, the following important correspondence was drawn out:

OFFICE OF SWAMP LAND COMMISSIONERS, }
Sacramento, April 1st, 1862. }

MESSRS. REDDING AND PEMBERTON:

SIRS:—When Mr. Bouldin was here last, he expressed a decided opinion that he was opposed to taking any more testimony in relation to our claim to Swamp Lands. I think such a course would work great injustice to many of our citizens who have in good faith entered Swamp Lands, some of which has been left as Swamp Lands by the United States Surveyors, and then left out by the County Surveyors. I desire to know of you whether you will or not, under the law as it stands, consent to continue the segregation and taking of testimony as to our claims to Swamp Lands. Should you, or either of you, differ with me in opinion, I ask that you will do me the favor of presenting the inclosed correspondence, with this letter, to Hon. O. Harvey and Hon. Wm. H. Parks, and request them, as members of the Swamp Land Committee, to present a bill asking the Legislature to instruct the Board to continue taking testimony, as provided in the Swamp Land Act of May thirteenth, eighteen hundred and sixty-one.

If fifty thousand acres have been left out by the County Surveyor of Yolo county, as stated by Mr. Mathews, we may safely calculate that we have lost at least three hundred thousand acres by the balance of the returns of County Surveyors. There can be no blame attached to anybody for this apparent neglect, as the County Surveyors had not time to complete the taking of testimony, as required under the State law. I inclose my note to Mr. Mathews, and his answer to me.

Your obedient servant,

A. M. WINN,
President Swamp Land Commissioners.

NOTE.—Messrs. Redding, Hooten, and Pemberton, agree with the Pres-

ident in relation to the continuation of procuring the necessary affidavits, as suggested in that letter.

[Winn to Mathews.]

OFFICE SWAMP LAND COMMISSIONERS, }
Sacramento, April 1st, 1862. }

AMOS MATHEWS,
County Surveyor Yolo County:

DEAR SIR:—You will please state, for our information, how much Swamp Land in your county was left out of the survey returned by your predecessor, and how much you think of it can be proven to be Swamp Land according to the Act of Congress and the instructions of this Board.

Very respectfully,

Your obedient servant,

A. M. WINN,
President Swamp Land Commissioners.

[Mathews to Winn.]

COUNTY SURVEYOR'S OFFICE, }
Washington, Yolo County, April 1st, 1862. }

A. M. WINN,
President Board Swamp Land Commissioners:

DEAR SIR:—In answer to your note of this date, I have to say that I think there are at least *fifty thousand* acres of Swamp and Overflowed Lands in Yolo county, not returned by my predecessor as such, which can be proved by many competent witnesses to come under the grant by Act of Congress, September twenty-eighth, eighteen hundred and fifty, and instructions issued by your Board.

Yours truly,

AMOS MATHEWS,
County Surveyor Yolo County.

[Winn to Pemberton and Redding.]

OFFICE SWAMP LAND COMMISSIONERS, }
Sacramento, April 3d, 1862. }

MESSRS. PEMBERTON AND REDDING:

GENTLEMEN:—Inclosed I send a communication to the Surveyor-General, which I desire you to present in person, taking with you Messrs.

Parks, Harvey, Shannon and Hoag, and as many more of the House and Senate Swamp Land Committees as you can get to go. Let them hear and understand the letter and the subject before they do go, so that they, too, may join in the argument in favor of the action requested. If he refuses, then a joint resolution should be passed by the Legislature, asking Congress, the Commissioner of Public Lands, the Secretary of the Interior, the President, or whoever has the power to order such suspension, until our claims can be heard and determined. It has been decided that a patent cannot issue to pre-emptors while the claim for the State is pending.

You will see at once that if the Government permits pre-emptions, or goes on to sell the Swamp Land selections, our citizens will be involved in interminable lawsuits, with all the evils attending such results.

I most earnestly request that you will give this matter your immediate attention. It has been delays, so far, that have cost us so much in the loss of lands properly belonging to the State.

Your friend,

A. M. WINN,
President Swamp Land Commission.

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[The President of the Swamp Land Commissioners to the United States Surveyor-General.]

OFFICE SWAMP LAND COMMISSIONERS, }
Sacramento, April 2d, 1862. }

E. F. BEALE,
United States Surveyor-General:

SIR:—The Board of Swamp Land Commissioners being charged with the duty of segregating and reclaiming the Swamp Lands of this State, they are, in my opinion, the proper guardians of that species of public property, and ought, in justice to the people and the State, see that no land is lost that properly comes within the grant of Swamp Land made by Congress, September twenty-eighth, eighteen hundred and fifty. Acting under this impression, I called upon the Surveyor-General of this State and asked him to return the State selections, made in townships returned to the Register's office, at Marysville, and asked that officer to mark those selections on his maps, and withhold them from public sales for the present. The Surveyor-General promptly complied with my request, and received the following answer from the Register's office:

[United States Register to State Surveyor-General.]

UNITED STATES LAND OFFICE, }
Marysville, California, March 17th, 1862. }

J. F. HOUGHTON,
Surveyor-General of California:

SIR:—The maps of certain Swamp Lands in Townships twelve, thirteen and fourteen, Ranges one and two east, transmitted at request of General Winn by you to this office, have been received..

Upon consideration, I have concluded that I can take no official notice of said plat, since the segregation of Swamp Lands therein described has not been accepted by the Department on the part of the United States.

Under the general pre-emption law of the third of March, eighteen hundred and fifty-three, after the return of the plat of any surveyed township, from the United States Surveyor-General, I am left no discretion in the allowances of pre-emption to settlers in good faith upon the same, except upon notice from the United States Surveyor-General that the whole or part of said township is withheld from sale, it being under suspension for certain reasons. Until notified as above suggested, I must decline to withhold any portion or portions of said townships which are now considered as subject to pre-emption.

Very respectfully,

Your obedient servant,

A. J. SNYDER,
Register.

On the ninth day of September, eighteen hundred and fifty, the State of California was admitted into the Union; and on the twenty-eighth of the same month, Congress granted to the State "the whole of those Swamp and Overflowed Lands made unfit thereby for cultivation," for the special purpose of enabling the State to reclaim such lands. The language of the grant is emphatic; it reads thus:

"Be and the same are hereby granted to said State, subject to the disposal of the Legislature; *provided*, however, the proceeds of said lands shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of levees and drains."

Hon. J. S. Black, United States Attorney-General, officially determined that "the Act of Congress was a *present* grant, and that it is not necessary that the patent shall issue before the title vests in the State under the Act of eighteen hundred and fifty." As this was the first Act of Congress in relation to lands in California, there can properly be no conflicting claims in relation thereto, so far as the United States and the State are concerned—the title of the State being absolute. In eighteen hundred and fifty-one, the Secretary of Interior says:

"As the grants are regarded as taking effect from the date of the laws making them, respectively, and as vesting the inchoate title in the States, it follows that subsequent sale or location of Swamp Lands by the United States must be held to be illegal, and the purchase money refunded or a change of location ordered."

From this opinion, coming as it does from controlling authority, the parties that may have purchased Swamp Lands from the United States, and paid the money for them, will understand that they are not to be disturbed in their title; but the United States will pay the purchase money into the Swamp Land Fund of the State, or permit the State to take other lands in lieu thereof. The contracts heretofore taken for the survey of Public Lands have been completed by the United States Deputy

Surveyors in dry weather, when the water had gone off, and large herds of cattle had destroyed in a measure the evidences of overflow. The result has been that large quantities of Swamp Lands have been returned as high lands belonging to the United States, which, in fact, belong to the State, and only needs the collection of evidence to prove it to the satisfaction of the Department at Washington. Nearly three hundred thousand acres of that character of land have already been proven up, and we have no doubt about our being able to prove up full as much more, by continuing to take evidence under the Act of May thirteenth, eighteen hundred and sixty-one. Every new Secretary of the Interior makes a new ruling as to the testimony necessary to prove what is Swamp Land under the Act of Congress—as if they could change the character of the law making the grant. At one time the Secretary says, “all lands which, from being swampy or subject to overflow, are unfit for cultivation, and all lands which, though dry part of the year, are subject to inundation at the planting, growing, or harvesting season, so as to destroy the crop, and are therefore unfit for cultivation, taking the average season for a considerable number of years as a rule of determination, are to be considered as granted to the State.” Now, the Commissioner says, “Parol testimony now, after the lapse of nine years, to be available in the contradiction of the field notes of survey, must be explicit, resting upon personal and exact knowledge of the locations claimed, and described by section, subdivisional designation, and from resident parties in no way interested, present or prospective, direct or indirect;” and they must swear that it was Swamp and Overflowed, and unfit for cultivation, on the twenty-eighth day of September, eighteen hundred and fifty. Yet the simple statement in the law is, all the “Swamp and Overflowed Land rendered thereby unfit for cultivation.” Had we an industrious and well informed Board of State Land Commissioners in Washington, the language of the affidavit might and ought to be modified to the language of the law.

Under the Act of the Legislature of this State, approved May thirteenth, eighteen hundred and sixty-one, it is made our duty to instruct the County Surveyors how to segregate the Swamp Lands, and at the same time to send them blanks for affidavits in the form required by the Commissioner of the General Land Office at Washington, for the purpose of procuring the proof as to the character of lands claimed by the State. The maps and affidavits are ordered to be returned by the County Surveyors to the Surveyor-General of this State; he to the Governor, and the Governor to the proper Department at Washington. In part, the duties of those officers have been performed, and the process of proving up our title to the Swamp Lands will continue under the provisions of the law. The Secretary of the Interior requested the State authorities to indicate a method of selection, which they would adopt in adjusting the grants. With the exception of Wisconsin, Alabama, and California, the States affected agreed to ascertain the lands by examination in the field. Wisconsin adopted the field notes of the United States survey; while California has indicated her course of selection in the several Swamp Land Acts, and more particularly the one under which we are acting. All of the parties purchasing Swamp Lands under those Acts have procured the affidavits required, at the time of purchase, and should therefore be received by the General Government as selections made by the State. During Governor Weller's administration, he addressed the Secretary of the Interior upon the subject—the answer will

be found in "Lester on Land Laws," pages five hundred and sixty-seven and five hundred and sixty-eight—in which he says:

"I am also willing that the United States Surveyor-General receive testimony as to the swampy character of particular tracts claimed under purchases from the State, and if that evidence establishes *prima facie* that the lands are Swamp and Overflowed, that he should so advise the District Land officers and direct them to suspend the sale of such tracts."

"In eighteen hundred and fifty-two, C. E. Pleasants made a location by warrant on a tract of land in Arkansas, which location was cancelled because of the selection of part of the land by the State." (Lester, page 557.)

With these facts and authorities before us, we trust you may find it consistent with your duty to order the District Land officers to suspend the sale of such tracts of land as may have been sold by the State, or selected by its proper agents, under the Swamp Land Acts of this State.

I send you a copy of the land laws of this State, in which you will find printed our instructions to the County Surveyors, and the form of affidavits they have used in proving up our claims to Swamp Land; from which you will discover the great precaution we have taken to strictly comply with the State laws and the requisition of the Commissioner and Secretary of the Interior at Washington City.

Your early consideration of this question is earnestly requested.

Your obedient servant,

A. M. WINN,
President of Swamp Land Commissioners.

NOTE.—This letter was presented as requested, and the following answer obtained from the Surveyor-General:

[United States Surveyor-General to President of Swamp Land Commissioners.]

UNITED STATES SURVEYOR-GENERAL'S OFFICE, }
San Francisco, Cal., April 9th, 1862. }

A. M. WINN,
President of Swamp Land Commissioners, Sacramento:

SIR:—I have received your communication of April second, eighteen hundred and sixty-two.

Referring to the matters therein contained, I would state that this office, on the twenty-third of April, eighteen hundred and sixty, notified the State Surveyor-General of its readiness to proceed with the duties contemplated in the instructions from the General Land Office, Washington. A copy of my letter is hereto annexed, marked A.

Again the attention of the State authority was called to the matter, in my letter to the Surveyor-General, dated June eleventh, eighteen hundred and sixty-one, a copy of which is also hereto annexed, marked B.

I have received but *one* notice of selection, a copy of the acknowledgment of which I also hereto annex, marked C.

As this office has been patiently waiting the action of the State authorities since the twenty-third of April, eighteen hundred and sixty, I would

suggest that any delay that may have occurred cannot possibly be charged to this office or the Federal authorities.

I beg to assure you that my predecessor and myself have been prepared, for nearly two years, to carry out our instructions relating to selections of Swamp Land, and promptly dispatch all business where the interests of the State are concerned.

Very respectfully, your obedient servant,

E. F. BEALE,
United States Surveyor-General.

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[A]

UNITED STATES SURVEYOR-GENERAL'S OFFICE, }
San Francisco, Cal., April 23d, 1860. }

H. A. HIGLEY, Esq.,
Surveyor-General, California:

SIR:—Herewith I inclose copies of instructions, and accompanying papers, with reference to the Swamp and Overflowed Land inuring to the State of California, under the Act of Congress of twenty-eighth of September, eighteen hundred and fifty.

A careful examination of the same has led me to the conclusion that the initiatory steps in this matter should be taken by your office.

The lists required to be forwarded to the Department for their action are, in my judgment, to be based upon an examination of the application made by you: first, with the field notes of the public surveys, on file in this office; and, second, with the affidavits of County Surveyors, and other respectable persons, as required in said instructions. Should my views in this matter coincide with your own, I have to inform you that I am ready at any time to expedite this business upon the receipt of the proper papers from your office.

Very respectfully, your obedient servant,

J. W. MANDEVILLE,
United States Surveyor-General.

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[B]

UNITED STATES SURVEYOR-GENERAL'S OFFICE, }
San Francisco, June 11th, 1861. }

H. A. HIGLEY, Esq.,
Surveyor-General of the State of California, Sacramento:

SIR:—I herewith transmit a letter bearing the signature of "George H. Goddard, Agent for the State," with accompanying papers. The documents refer to land claimed by the State as pertaining to the Swamp grant. My instructions relating to this class of cases are full and com-

plete, and require a selection to be made by the State authorities and presented to this office, accompanied by the necessary affidavits, as a basis for action. Without this basis I do not see how I am to proceed with the instructions. These instructions seem to indicate the State Surveyor-General as the proper party, or State authority with whom I should communicate in matters of this nature. I have therefore referred these documents to you, and shall be pleased to carry out my instructions, whenever I shall be placed in possession of the data above referred to. A copy of the instructions of the General Land Office, with accompanying forms, has been heretofore forwarded by my predecessor.

I am, very respectfully, your obedient servant,

E. F. BEALE,
United States Surveyor-General.

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[C]

UNITED STATES SURVEYOR-GENERAL'S OFFICE, }
San Francisco, Cal., June 24th, 1861. }

H. A. HIGLEY, Esq.,
Surveyor-General, Sacramento :

SIR:—Yours of twenty-first instant duly received. The claim on the part of the State, with the affidavits of N. Allgier, G. B. Upham, and P. E. Drescher, relating to the south half of southeast quarter of section eighteen and sections nineteen, thirty, and thirty-one, Township twelve north, Range four east, Mount Diablo Meridian, have been examined and found to comply with the instructions of the Department. The proper annotations will be made on the plat, and the corrected sketches forwarded to the proper local Land Office.

Very respectfully, your obedient servant,

E. F. BEALE,
United States Surveyor-General.

—
[President Swamp Land Commissioners to United States Surveyor-General.]

OFFICE SWAMP LAND COMMISSIONERS, }
Sacramento, May 14th, 1862. }

General E. F. BEALE,
United States Surveyor-General, California :

SIR:—Your very plain and satisfactory answer to me, dated April seventh, eighteen hundred and sixty-two, and our subsequent conversation, makes me feel easy in addressing you in relation to the all important duty that we, as Swamp Land Commissioners, have to perform. In our annual report (page ten) to the Legislature, we say :

“Along the banks of all the rivers in this State there is a strip of land

called 'high lands,' and so returned by the United States Surveyors, all of which overflows at high water, and on which we must put our levees. We are entitled, under the law, to 'the whole of the Swamp and Overflowed Lands rendered unfit thereby for cultivation,' and certainly the land that is liable to be overflowed at any time during the winter is rendered unfit for cultivation by reason of such uncertainty. We must have the right of way through such lands before we can build levees to reclaim the land back of it, and if the United States insist upon the right of retaining such lands, it may cost us a very large sum of money to purchase the right of way through it."

The balance of the report under the same heading continues our views, and may not be uninteresting to you.

It is very difficult to prove up our right to Swamp Land in large bodies, but I have of late discovered a plan of obtaining reliable and positive proof as to the character of the land along the banks of the rivers. I find that from the officers of the steamboats we can get most positive information; and I send you a copy of an affidavit that I have framed, which I think will cover the case, and ask that you will, with your usual promptness, examine it, and if it meets your views, file it away and inform me of the fact—and if you would amend it, please do so and send it to me again.

Yours truly,

A. M. WINN,
President Swamp Land Commissioners.

[United States Surveyor-General to President Swamp Land Commissioners.]

UNITED STATES SURVEYOR-GENERAL'S OFFICE, }
San Francisco, May 16th, 1862. }

A. M. WINN,
President Swamp Land Commissioners, Sacramento :

SIR:—I have received your communication of the fourteenth instant, with form of affidavit proposed by you to determine the character of land bordering on the rivers, and claimed by the State of California as Swamp and Overflowed Land.

The only difficulty, apparently, in the way of a speedy adjustment of this whole matter, as between the United States and the State of California, is that the executive officer in Washington insists upon the swamp character of the land being proved, as of date of the Act of Congress, namely, twenty-eighth of September, eighteen hundred and fifty. The authorities of the State reiterate the impossibility of proving up their claims as of that date, on account of the uninhabited state of the country.

It would appear, then, that the settlement of this large and magnificent gift of Congress to the State is, after twelve years experience, yet held in abeyance for the want of prompt action.

From long residence in this State, I am convinced that it will be impossible for the State of California to comply with the requirements of the Land Department, if restricted to the date of the Act, namely, September twenty-eighth, eighteen hundred and fifty.

At that date, the greater portion of the lands comprised within this grant had not been seen by any citizen of the State, and therefore no affidavit can possibly ever be made. The conclusion is, that a more enlarged construction must be placed upon the terms of this Act, enabling the State to prove up the facts of the case as soon as they came to her knowledge, which could only have been, in most instances, after the year eighteen hundred and fifty.

A just and equitable settlement upon the basis of this experience, would I think, be allowed by the Secretary of the Interior upon proper representations made to him, provided the Act of eighteen hundred and fifty does not forbid such a construction; if so, the first step should be to amend the Act of Congress. As, however, I am only authorized to act in these matters in accordance with instructions from the General Land Office, and as these instructions require affidavits based upon the actual character of the land in eighteen hundred and fifty, the date of the Act, it would be unwise on my part to take any steps leading only to future complication.

I would therefore suggest a full reference of the matter to the Secretary of the Interior, accompanied by forms of affidavits proposed to be used, approaching as near as possible to the construction of the Department, giving fully the means of knowledge of the party making the affidavit, and bearing date as early as the possible settlement of the country would allow.

I shall be pleased to transmit these documents to the Secretary of the Interior, accompanied by a communication from this office, based upon past experience, and my views as to a just and liberal as well as prompt settlement of this question.

Should this course prove unsatisfactory, the only remaining one would be by a special Act of Congress.

Very respectfully, your obedient servant,

E. F. BEALE,
United States Surveyor-General.

HON. WM. H. PARKS:

DEAR SIR:—By the Act of Congress, March third, eighteen hundred and fifty-three, to provide for the survey of Public Lands in California, and for other purposes, section six grants, directly and positively, all sixteenth and thirty-sixth sections, whether surveyed or unsurveyed, to the State for school purposes, without limitation, while the right of pre-emption on other sections is granted, with certain exceptions, therein named, thereby confirming the universally established precedent of strictly guarding the great fundamental principle of our Government—our Common School system.

Section seven of same act gives the right to take other lands in lieu of sixteenth and thirty-sixth sections when reserved by the Government. I contend it grants us just as much the right to take lands in lieu of sixteenth and thirty-sixth sections upon the minerals, as upon private grants, as in neither case have they been sectionized by the Government; and the Government, by accommodating herself—by not surveying her reservations—cannot think of jeopardizing this great interest of the State.

The mining districts are becoming permanently and thickly settled in many locations, and the general system which we have adopted of distribution of School Fund gives us but a meagre dividend, in comparison to what we are justly entitled, under the proper interpretation of this Act of Congress. I trust you will immediately urge this upon the attention of the Department.

Another important change should be adopted: that of making the location general throughout the State, of lands taken in lieu of sixteenth and thirty-sixth sections, instead of confining them to districts, as at present, thereby almost entirely depriving the settlers in some districts of any benefit under the Act of our Legislature of eighteen hundred and sixty-one. For instance, in the San Francisco district, a great majority of the best land is covered by grants, giving thousands of acres of sixteenth and thirty-sixth sections coming upon grants that cannot be located for years, hence curtailing our School Fund to that extent, unless you can procure a change of instructions. The numerous reasons for this will at once suggest themselves to your mind, without any details from me.

I will trespass upon your time with but one more suggestion at present: that is, to procure immediate instructions to the Registers that *shall protect the State in the location of School Lands* against any rights being acquired by pre-emption after the State files her selections through her Agents. This seems to be the spirit of instructions now, as I understand them; but in this district the Register does not respect them, as you will see by a copy of a letter given you by the Surveyor General.

With the best of wishes for success in your important mission, I bid you adieu.

G. W. COLBY,
State Locating Agent.

Owing to what was supposed to be a conflict of opinion between the United States and State authorities relative to various donations of land made to the State of California by Congress, it was thought advisable by the Legislature last winter to send a Committee to Washington for the purpose, if possible, of harmonizing the action of the State authorities with that of the General Land Office, by asking for a modification of instructions, and, if successful in this, to procure patents to the Swamp Land, and ask to have the School Lands listed to the State; and, if failing in this, to procure the decision of the Commissioner; and, although not expressed in the resolution, it was expected that he would present the whole matter to our delegation in Congress, that the State might be relieved by Congressional aid.

I, having been chosen as the Committee, proceeded to Washington, and, after frequent interviews with the Commissioner, I submitted the following communications, on the fifteenth day of August, eighteen hundred and sixty-two. On the twenty-seventh day of August I received a communication from the Commissioner, together with a copy of a circular of August twenty-seventh, eighteen hundred and sixty-two, issued to the local Land Offices, for their government in the selection of School Lands in the State of California, which I herewith attach. On September ninth I received a communication from the General Land Office, in answer to my interrogatories referring to Swamp Lands, which I also attach.

Congress passed, at its last session, an Act to reduce the expense of the survey and sales of the Public Lands in the United States. Section ten of said Act provides, that when the settlers in any township or townships, not mineral or reserved by Government, shall desire a survey of the same, and are willing to bear the expense, that the Surveyor-General shall cause the survey to be made, in accordance with said Act. Believing it would be desirable for the State to be placed upon the same footing as the settlers under this Act, I, on the twenty-seventh day of August, made a case, by asking to have a certain township, together with various other townships, surveyed, and asked the Commissioner to issue such instructions to the Surveyor-General as would enable the State to have them surveyed—which communication, together with the Commissioner's reply, stating that he had issued the desired instructions, are also hereto attached.

On the tenth day of October, I addressed a communication to the Commissioner, asking him whether the survey of the Swamp Lands must be completed before the State could acquire title to the same—which communication, together with the Commissioner's answer of October twenty-fifth, is also hereto attached :

WASHINGTON, }
August 15th, 1862. }

To the Hon. J. M. EDMUNDS,

Commissioner of General Land Office,

Washington, District of Columbia :

DEAR SIR:—Having been appointed by the Legislature of the State of California, a Commissioner to procure from your Department patents for the lands that have been granted to the State of California by the General Government, so far as she has complied with the instructions issued from your Department, and to ask for a modification of the instructions, so that she will be able to prove up and locate the balance of said grants, I therefore beg leave to submit the following questions for your decision :

On the twenty-eighth day of September, A. D. eighteen hundred and fifty, Congress granted to the several States all the Swamp and Overflowed Lands that were within their boundaries, for the purpose of enabling them to reclaim the same. From the wording of the grant, it was undoubtedly the intention of Congress to grant all of the lands that were subject to overflow, or by reason of their swampy character, so as to render them unfit for cultivation ; and it only remains to ascertain which lands are of this character, to entitle the State to a patent. She has, through her Agents, proved up a large amount of this grant, in accordance with the instructions issued from your Department ; and on behalf of the State, I ask that the patents be issued as soon as convenient. The reasons for a speedy action being asked for, are as follows :

The State has adopted the policy of selling these lands on credit, until such time as she is able to give a title, the purchaser paying interest annually in advance, the State pledging its faith for the reclamation of the lands, in accordance with the conditions of the grant.

Now, the State cannot proceed with reclamation for the want of funds, nor can she expect to receive pay for lands until she is prepared to give title for the same ; nor would it be expedient to proceed with reclamation until the proof was made satisfactory, as it might be difficult to do

so after reclamation. It is evident, then, that the great body of Swamp Land in the State of California must be unoccupied and uncultivated until the State procures the patents.

The instructions that have been given to the State of California from your Department, require that proof shall be made that the lands were swampy, and subject to overflow on the twenty-eighth day of September, eighteen hundred and fifty, (or on the day of the passage of the Act.) This instruction precludes the State from proving up a large portion of the grant, for the reason that a large portion of the State, at that date, had not been seen by a white man. It will be remembered, the State was admitted into the Union on the ninth day of September, eighteen hundred and fifty, less than twenty days before the grant was made, and had been inhabited by Americans but a short time before, consequently, it will be impossible to prove up some of the most perfect swamps that she has, under this instruction. I therefore ask that you so change the instructions so that the State shall only be required to make the proof that at the time of the application it was swampy, or subject to overflow, and thereby rendered unfit for cultivation; or say three years previous to making the proof, taking an average season for a guide. I see nothing in the wording of the grant that requires proof to be made of the character of the land on the twenty-eighth day of September, eighteen hundred and fifty, or to prevent the instructions asked for. If the State was becoming more swampy annually, then it might be contended that only that which was swampy or subject to overflow at the time of the passage of the Act, had passed to the State. But this is not the case; on the contrary, as the State becomes settled up, and the water channels cleared out, and in many instances ditches dug and levees built by private enterprise, before any action was taken by the State, will prevent the State from proving up thousands of acres that properly belong to the State under any instructions she could consistently ask for.

I also ask your opinion as to whether the State has the right to prove the character of the land, in such quantities as she may be able to do from time to time, or whether she will be compelled to present her proof for all of her claim at one time? As there appears to be a difference of opinion among the State officers, I wish you to settle the question, hoping, however, that there is nothing inconsistent with the terms of the grant in allowing the State to present her proof for such quantities of land as she may be able to do from time to time; for a contrary opinion to this would retard the progress of settlement and reclamation very much, owing to the vast extent of the State, and in many portions being sparsely settled.

I would also ask you to give the meaning of the word "overflow."

It appears to me, from the wording of the grant, that it was the intention of Congress to grant two classes of lands:

First—All of a swampy nature; second—all that was subject to overflow during the seeding, growing, or harvesting seasons, making it unfit for cultivation. Now, there is a large quantity of land of the last mentioned character, that annually overflows, sometimes so as not to materially interfere with the crops, at other times so as to entirely prevent the raising of crops, and at other times so as to float off all improvements, houses, barns, fences, and stock, all together. But from the fact that sometimes a crop can be raised, and more particularly a grass crop—which overflow does not injure—the impression has become pretty general that this class of lands is not included within the grant, and local interests have done much to establish this opinion. But this

is very important to the State, as all of these lands have got to be protected from overflow before the country can be permanently improved or cultivated with any success—and the State has already made arrangements to protect them. These lands lay contiguous to the swampy lands, and the levees must from necessity run across, as well as ditches dug through them, and it is important for the successful reclamation and protection that they should belong to the State, that she may not only protect them from overflow, but that she may have the right of way across them, and the use of materials, etc., so that she may adopt a uniform system of reclamation. I cannot find that the Department has ever put a construction upon this term, and I most respectfully ask you to do so, and with a liberal construction, and such as I believe was the intention of the grant. California will be able to reclaim a large body of land and make it the finest agricultural land in the world; and without this, it is mostly waste, and worse than useless—constantly breeding sickness and disease.

Hoping that you will see the justness of the request, and the importance to the State of a speedy action,

I have the honor to be,

Your obedient servant,

W. H. PARKS,
Commissioner for California.

WASHINGTON, }
August 15th, 1862. }

To the Hon. J. M. EDMUNDS,
Commissioner of General Land Office:

• DEAR SIR:—I wish your opinion as to whether the State has the right to select unsurveyed lands in satisfaction of the various grants made to her, viz:

“The Act to provide for the survey of the Public Lands in California, the granting of pre-emption rights therein, and for other purposes, approved March third, eighteen hundred and fifty-three.”

Section six of said Act grants the sixteenth and thirty-sixth sections to the State, whether surveyed or unsurveyed, for school purposes; and section seven provides, “that when any settlement by the erection of a dwelling house, or the cultivation of any portion of the land, shall be made upon the sixteenth and thirty-sixth sections before the same shall be surveyed, or where such sections may be reserved for public use or taken by private claims, other lands shall be selected by the proper authorities of the State in lieu thereof.”

Section twelve of the same Act grants seventy-two sections to the State of California for the use of a seminary of learning. Section thirteen grants to the State of California the quantity of ten entire sections, for the purpose of erecting public buildings of that State. The two last grants authorize the selection “to be made by the Governor of

the State, or any person he may designate for that purpose, in legal subdivisions of not less than a quarter section, of any of the *unsold, unoccupied and unappropriated* lands," making no reservation whatever, except mineral lands, or lands reserved for public purposes, or lands to which any settler may be entitled to under said Act.

By the wording of these grants, the State authorities have construed them so that the State would have the right to select unsurveyed lands, and under this construction the authorities of the State have sold, of these three grants, together with the five hundred thousand acre grant for internal improvements, about eight hundred thousand acres, a large portion of which has been upon unsurveyed lands.

By reference to an extract of a letter written by C. V. D. Hubbard, Clerk of the United States Land Office at Marysville, in reply to a letter of inquiry from the State Locating Agent for the Marysville District, it will be seen that the Registers of the Local Land Offices do not hold to this opinion, and that there will be great danger of a conflict of title arising out of this difference of opinion. Mr. Hubbard says:

"Your question as to what rights are allowed to be made against the State application after it is filed in this office, it seems to be quite general; however, I will try to answer it. If the State files an application upon unsurveyed lands, either for school warrant location or in lieu of the sixteenth and thirty-sixth sections, when the maps are returned to this office of such land, the State must renew her application immediately, and after the expiration of three months from the date of the filing of the maps the selection will be approved upon its appearing that it interferes with no pre-emption right vested before the return of the maps. It will be the unvarying rule in this office, I believe, to protect pre-emptions in good faith, in all classes of lands, surveyed or unsurveyed; and a satisfactory showing of pre-emption rights to the office here, will always, I believe, be sufficient to defeat the State selection."

I believe all the Registers of the State hold to the same opinion, and you will readily see, if the above opinion is sustained by your Department, that the large number of purchasers of these lands from the State (unless they have taken actual possession of the same) have acquired no rights whatever against any person who may, at any time before the filing of the maps of township surveys in the local Land Office, desire to file his declaration of intention to hold the same by pre-emption.

It will be seen, by reference to the Act of eighteen hundred and fifty three, and the Acts amendatory thereof, that pre-emptors could acquire no rights whatever on unsurveyed lands after the third of March, eighteen hundred and fifty-six. The pre-emption right was extended again last winter.

By the accompanying affidavits, you will see the State authorities have required the purchaser to make oath, and to prove by disinterested witnesses, that there is no adverse claim to the land sought to be purchased, and any one who would seek to pre-empt the same after the selection of the State, would do it with a full knowledge of an adverse claim to his. I therefore most respectfully ask you, if not inconsistent with the law, to instruct the Registers that whenever the proper authorities of the State shall file with the Register of the local Land Office of the United States their application for any surveyed or unsurveyed and unoccupied Public Land, in part satisfaction of any of the several donations made by Congress to the State of California, which application shall be accompanied by pro-

per affidavits, showing that the lands sought to be purchased are unoccupied and unimproved, except by the applicant, it shall be the duty of said Register to accept such application in part satisfaction of said donation, and thereafter he shall allow no pre-emption to the same lands, or in any other way interfere with the right of the State to dispose of the same.

I also wish your opinion as to whether the State would have the same right as individual settlers to make survey of any township or townships not mineral or reserved by Government, in accordance with an Act to reduce the expenses of survey and sale of public lands in the United States, passed at the second session of the thirty-seventh Congress, approved May twenty-third, eighteen hundred and sixty-two.

I also wish your opinion as to whether the State has the right to select other lands in lieu of the sixteenth and thirty-sixth sections that happen to fall upon mineral or Swamp and Overflowed Lands. I am aware that this question has once been decided against the State, so far as mineral lands are concerned, but believing that the decision was erroneous and in conflict with the principle laid down in a former decision made by Secretary A. H. H. Steward, in eighteen hundred and fifty-seven, in the case of the State of Michigan vs. certain lessees, under the Act of the first of March, eighteen hundred and forty-seven, I therefore most respectfully ask your decision in the case.

Secretary Steward says of the Act for the admission of the State of Michigan, and containing a grant of the sixteenth section, (and it is almost identical with the language of the grant to California, with the exception that California gets the additional section—thirty-sixth): "I regard it as an absolute grant of every sixteenth section which had not on the twenty-third day of June, eighteen hundred and thirty-six, been sold or otherwise disposed of, whether then designated or not." And the fact that the same language was used in the admission of Ohio into the Union, in eighteen hundred and two, and the admission of all other States subsequent to that time, has passed to the State the title to section sixteen without further legislation, the issuing of a patent, or other action by the General Land Office, shows that it has always been regarded as a present grant.

The decision to which I have alluded as being made against the State, was made by S. A. Smith, Commissioner of General Land Office, and confirmed by Jacob Thompson, Secretary, in eighteen hundred and sixty, in answer to a communication from the Hon. Andrew J. Moulder, Superintendent of Public Instruction for the State of California. This decision was made upon the supposition that the grant was not absolute, and that the State had no title or interest in the lands until after the survey. Here, you will readily see, this is in direct conflict with the decision made in the case of the State of Michigan vs. certain lessees. When this proposition is overthrown, his whole decision falls, and, by reference to the Act of eighteen hundred and fifty-three, then to the decision of Commissioner Smith, it will be easily seen that this decision was not in accordance with the intention of the grant.

Section six of the Act of eighteen hundred and fifty-three, reads as follows:

"That all the public lands in the State of California, whether surveyed or unsurveyed, with the exceptions of sections sixteen and thirty-six, which shall be and are hereby granted to the State for the purpose of Public Schools in each township, and, with the exception of lands ap-

propriated under the authority of this Act, or reserved by competent authority, and excepting the lands claimed under any foreign grant or title, and the mineral lands, shall be subject to the pre-emption laws of the fourth of September, eighteen hundred and forty-one."

Now, it will be seen, that the grant of the sixteenth and thirty-sixth sections was absolute and without reservation, and the reservation was only to pre-emption rights.

This principle being established, it only remains, then, to determine whether mineral lands are reserved for public use within the meaning of the Act of eighteen hundred and fifty-three. Section seven of said Act provides that when sections sixteen and thirty-six may be reserved for public use, that the State shall have the right to select other lands in lieu thereof. Now, it would appear it was the intention of Congress to grant the same facilities for education in districts where the lands were reserved for public use, as though they were sold and became private property; and unless the State is permitted to locate other lands in lieu thereof, that the mineral districts must be entirely deprived of facilities for education, and the object of Congress defeated, so long as the Government pursues the policy of reserving the mineral lands from survey and sale.

Section seven also provides that when the lands have been taken by private claims, that other lands may be taken in lieu thereof. Now, the question comes as to whether Swamp and Overflowed Lands, previously granted to the State, come within the meaning of a private claim. Now, when we look at the unqualified grant of the sixteenth and thirty-sixth sections, we cannot but conclude that it was the intention of Congress to grant two sections of land in every township in the State for the purpose of Public Schools, whether those townships fell upon mineral lands, Swamp Lands, Public Lands, or foreign grants. And here you will notice the difference in the language: In section six, in reserving from the right to pre-empt, it uses the term "of foreign grants or title;" in section seven, it uses the more general term, "or taken by private claims," meaning, undoubtedly, the private claims of the State, or the private claims of individuals from foreign grants, or the private claims of individuals from the General Government, or any other claim whereby the General Government had relinquished her claim.

I have the honor to be,

Your obedient servant,

W. H. PARKS.

GENERAL LAND OFFICE, }
August 27th, 1862. }

WILLIAM H. PARKS, Esq., of California,
Washington City, D. C.:

SIR:—Referring to your letter of the fifteenth instant, respecting School Lands in California, I inclose herewith a copy of a circular letter addressed on the twenty-first instant to the local Land Officers of the several Land Districts in California, on the subject.

Very respectfully your obedient servant,

J. E. EDMUNDS,
Commissioner.

[Circular applicable to selections for School purposes in the State of California.]

GENERAL LAND OFFICE,
August 21st, 1862. }

GENTLEMEN:—The object of this circular letter is to secure uniformity of action in making selections for School purposes under the following Acts of Congress:

The sixth section of the Act of March third, eighteen hundred and fifty-three, entitled an Act to provide for the survey of the Public Lands in California, the granting of pre-emption rights therein, and for other purposes, grants to the State of California sections sixteen and thirty-six, in each township, for School purposes; and the seventh section of the same Act provides:

“That where any settlement, by the erection of a dwelling house, or the cultivation of any portion of the land, shall be made upon the sixteen and thirty-sixth sections before the same shall have been surveyed, or where such sections may be reserved for public uses, or taken by private claims, other land shall be selected by the proper authorities of the State in lieu thereof, agreeably to the provisions of the Act of Congress, approved May the twentieth, eighteen hundred and twenty-six, entitled an Act to appropriate lands for the support of Schools in certain townships not before provided for, and which shall be subject to approval by the Secretary of the Interior.” See Statutes at large, Volume X, pages 246; 247.

The Act of the twenty-sixth of February, eighteen hundred and fifty-nine, (United States Statutes at large, Volume XI, page 385,) provides:

“That where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which shall be found to have been made on sections sixteen and thirty-six, said selections shall be subject to the pre-emption claim of such settler; and if they, or either of them, shall have been reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are hereby appropriated in lieu of such as may be patented to pre-emptors; and other lands are also hereby appropriated to compensate deficiencies for School purposes, where said sections sixteen and thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever; *provided*, that the lands appropriated by this section shall be selected and appropriated in accordance with the principles of adjustment and the provisions of the Act of Congress of May twentieth, eighteen hundred and twenty-six, entitled an Act to appropriate lands for the support of Schools in certain townships not before provided for.”

Under the provisions of the foregoing Acts of Congress, where either of said sections sixteen and thirty-six, or any part thereof, has been sold or otherwise disposed of, the State will be entitled, in lieu of the land so disposed of, to an equal amount of other land as contiguous to the school sections as may be. The selections must be made of agricultural (not mineral) lands as contiguous to the school sections “as may be,” and in legal subdivisions, according to the approved official town-

ship plats of the public surveys on file in the Register's office at the time the selections are filed.

The school selecting Agent should file in your office an authenticated copy of his letter of appointment, or other satisfactory evidence of his official character.

Under the provisions of the aforesaid Act of eighteen hundred and fifty-nine, where said sections sixteen and thirty-six are fractional in quantity, or where either of them are wanting by reason of the township being fractional, or from any natural cause whatever, the State will be entitled to other lands as indemnity for such deficiencies, to be selected and appropriated in accordance with the principles of adjustment and the provisions of the Act of Congress of May twentieth, eighteen hundred and twenty-six, namely: for each fractional township containing a greater quantity of Public Land than three quarters of an entire township—that is, more than seventeen thousand two hundred and eighty acres—the State will be entitled to two sections, or one thousand two hundred and eighty acres.

For each fractional township containing a greater quantity of Public Land than one half, and not more than three quarters of a township—that is, more than eleven thousand five hundred and twenty acres, and less than seventeen thousand two hundred and eighty acres—the State will be entitled to one and a half sections, or nine hundred and sixty acres.

For each fractional township containing a greater quantity of Public Land than one quarter, and less than one half of a township—that is, more than five thousand seven hundred and sixty acres, and less than eleven thousand five hundred and twenty acres—the State will be entitled to one section, or six hundred and forty acres.

For each fractional township containing a greater quantity of Public Land than one entire section, and less than one quarter of a township—that is, more than six hundred and forty acres, and less than five thousand seven hundred and sixty acres—the State will be entitled to a half section, or three hundred and twenty acres.

The law directs that the selections shall be made by the Secretary of the Interior, and the following rules are prescribed for your government:

First—When the lands have not been offered at public sale, the selections are to be made prior to said sale. The School Agents may recommend the selections, and it may be proper for you to give notice to such Agents that, prior to a certain day, to be fixed by you, recommendations will be received from them for school selections for certain townships, which townships will be specially designated in said notice. You will bear in mind, however, that no expense whatever will be incurred in the publication of such notice. If the school authorities, after service of notice, should fail to make any recommendations, you will report your own selections.

Second—The quantity of School Land selected for any township is to be located within the limits of such township, provided a sufficient quantity of good agricultural land exists therein. If you are satisfied that a sufficient quantity of good land cannot be found therein, the selection is to be made in the nearest adjacent township wherein good land exists.

Third—When a portion of sections sixteen or thirty-six exists in a township, an additional quantity of land only is to be selected as will, with the existing portions of said sections, make up the full quantity to which the township is entitled under the law.

Fourth—The selections of a section, three quarters of a section, or half section, for any one township, are to be made in one body of land, if practicable; if not, in separate “quarter sections.” A less quantity than one quarter section is not to be taken. Fractional sections are to be excluded, except in cases where a portion of the sections sixteen or thirty-six exists in the township, and a selection has to be made of the balance of the quantity of land to which such township is entitled, and when the quantity cannot be located on a quarter or half-quarter section; in such cases only may fractional sections be taken, according to the legal subdivisions, to make up the deficiency in quantity as nearly as practicable.

Fifth—In those townships and fractional townships fronting on bayous, rivers, lakes, or water courses, wherein the regular mode of surveying may have been departed from under the authority of law, and where a portion of the land consists of lots fronting on such bayou, river, lake, or water course, and running back for quantity, and where there has been great irregularity in numbering the sections, in such cases where section sixteen or thirty-six happens to fall on one of the small lots on the water courses, or on a section containing less than the proportioned quantity of School Land to which such township is legally entitled, such lot, number sixteen or thirty-six, should be reported by you in your abstract of proposed selections, and in addition thereto, so much of the section, whatever its number may be, as covers the ground which number sixteen or thirty-six would have covered had the township been regularly numbered, as will make the complement of School Land to which such township is entitled.

Sixth—Fractional townships, created by Indian Reservations, are not to be understood as coming within the meaning of the Act, as, when the township is completed, it will then have its proper School Lands.

Seventh—Where a township falls wholly within the limits of a private claim, there is no Public Land and no grant for school purposes in said township; nor is the State entitled, under any law, to indemnity for the school sections which would otherwise exist in said township, any more than she would be if the township were entirely covered by a lake or navigable stream, and no selections are to be made in such cases; nor will the State be entitled to indemnity for sections sixteen and thirty-six which may fall in mineral lands.

Eighth—The selections under this Act, as well as under the Act of eighteen hundred and fifty-three, must be made in legal subdivisions, according to the official township plats of the public survey on file in the local office at the time the selections are made, or recommended to be made.

Ninth—The law allows selections to be made of surveyed lands, whether offered or unoffered. But no selection is admissible upon any land to which a pre-emption, or other valid claim, shall be legally established; nor on any land which is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States; nor upon any tract which is reserved or withdrawn from market for any purpose whatever; nor upon any mineral land. It is, therefore, necessary that the Agent of the State, in making the selections, should make such careful preliminary examinations as will enable him to select lands, to which there may exist no valid claim by pre-emption or otherwise, which are not mineral; and to avoid embarrassment and delay consequent upon such conflicts, you will also examine the plats, records, and files, of your office, and see that the selections are in all respects free

from objections, and will certify that they are free from conflict before the lists are reported to this office.

Herewith you will receive forms to be used for selections under the respective Acts. The form for selections under the Acts of eighteen hundred and fifty-three and eighteen hundred and fifty-nine, requires the date to be given when the list is filed in your office, being the date when the same takes effect, and that it be certified and signed by the Locating Agent of the State, and certified by you as to the correctness of the same, before reporting to this office.

The form for proposed selections under the Acts of eighteen hundred and fifty-nine and eighteen hundred and twenty-six, must also be certified by you, and if recommended by the State authorities, that fact should also be stated therein. The lists of selections under the respective Acts should bear a regular, but *separate and distinct series* of numbers, from Number One.

The tracts selected should be distinctly entered in lead pencil on your tract books, and on the township plats, and be withheld from sale until you are officially advised of their approval or rejection by the Secretary of the Interior.

When advised of the approval of such selections, you will proceed at once to enter the same permanently in red ink in your tract books, and on your township plats, and opposite the entry in the tract books you will note the date of the approval, making reference by its date to the letter from this office advising you of such approval.

In case of the rejection of a proposed selection, you will not fail to remove by India rubber the pencil marks on the township plats, and make entry of the facts in your tract books.

You will retain a record of all lists reported to this office, and when approved you will note the fact thereon, and refer to the date of the letter communicating such advice.

Applications for the selection of School Lands by the State can only be received and filed by you when the land is surveyed and the official township plats on file in your office.

The State authorities will have no right to sell or dispose of any of the lands selected until they shall have been furnished with certified lists of the approval by the Secretary of the Interior.

You will acknowledge the receipt of this circular.

Very respectfully,

Your obedient servant,

; Commissioner.

, Register and Receiver of Land Office

At

, California.

REPUBLIC, Ohio,

October 18th, 1862. }

Hon. J. M. EDMUNDS,

Commissioner of General Land Office :

DEAR SIR :—I understand you to hold that the State has no right to prove up any Swamp Land until it has been surveyed. Now, I wish to know whether you consider it as surveyed when the township lines have

been run, and all of the high lands sectionized, and the balance returned as Swamp Land, the section lines not having been run, as you will see by reference to your township maps that this course has been pursued in California. Within my knowledge there has been no Swamp Land sectionized by the General Government.

I am yours with respect,

W. H. PARKS.

GENERAL LAND OFFICE,
October 25th, 1862. }

W. H. PARKS, Esq.,
Commissioner from California :

SIR:—I am in receipt of your letter of the eighteenth instant, and as a reply thereto, have to state that the State of California cannot acquire title to lands, under the Swamp law of September twenty-eighth, eighteen hundred and fifty, which have not been regularly surveyed and platted. The survey must be complete, not only in the township lines, but in section and all other necessary subdivisional lines.

By letter of the fifth of September last, you were advised that, under the Act of May thirtieth, eighteen hundred and sixty-two, the State of California had been placed "upon the same footing as the settlers mentioned in the Act," and that instructions to that effect had been addressed to the Surveyor-General.

I inclose herewith, the instructions of June fifth and twenty-first, eighteen hundred and sixty-two, in which you will learn how surveys may be made preliminary to the selection of lands of the class contemplated in the Act of eighteen hundred and fifty.

Very respectfully,

Your obedient servant,

J. M. EDMUNDS,
Commissioner.

[Copy.]

GENERAL LAND OFFICE,
September 9th, 1862. }

W. H. PARKS, Esq.,
Of California :

SIR:—Referring to your letter of the twenty-seventh ultimo, in which, as Commissioner for the State of California, you make certain inquiries respecting Swamp Lands, I have to state :

First—That no reports of Swamp Land selections in said State have been received at this office. As soon as the report shall be made in accordance with the instructions heretofore forwarded to the Surveyor-General, and the lands, on a review of the evidence, shall be found to be really within the grant, certified lists will be forwarded to the Governor of the State, and on his request, patents will be issued.

Second—You ask for a modification of the instructions on this subject, so that the evidence of the swampy character of the land shall reach only to the time when the proof is made, or, “for the three years previous to making the proof, taking an average season for a guide.” I have to state in reply, that we have no legal authority for departing from the instructions of the thirteenth of December, eighteen hundred and fifty-nine, in this respect. The grant is made by the Act of the twenty-eighth of September, eighteen hundred and fifty. What was Swamp or Overflowed Lands at that date are the lands that are taken hold of and designed to be conveyed by that Act. If we depart from that date and point of time in taking proof as to the character of the land claimed under said Act, we have no principle to guide us in the matter, either of segregating the Swamp from the fast land, or of determining conflicting claims arising in the premises.

Third—To your inquiry respecting the limitation of the time of selection by the State, I have to say that by the Act of the twelfth of March, eighteen hundred and sixty, it is required that when surveys have been made the selections “shall be made within two years from the adjournment of the Legislature of each State at its next session after the date of this Act; and as to lands hereafter to be surveyed, within two years from such adjournment at the next session after notice by the Secretary of the Interior to the Governor of the State, that the surveys have been completed and confirmed.” The State can, at any time within the limitation of this Act, in part or in whole present the testimony of the swampy character of the land claimed by her.

Fourth—To your inquiry as to the meaning of the term *overflow*, I would say that the term is applicable to a class of lands “*made unfit thereby for cultivation without necessary levees and drains.*” A casual overflow, merely temporary in its effects, does not bring the land within the meaning of the law. The overflow must be of that nature as absolutely to prevent the raising of any crop on the land in its natural condition.

Fifth—As to that portion of your letter relating to School Lands, I refer to the instructions to the local Land Offices of California of the twenty-first instant, a copy of which was furnished you on the twenty-eighth instant, containing the principles governing in the adjustment of such interests.

Very respectfully,

Your obedient servant,

J. M. EDMUNDS,
Commissioner.

WASHINGTON,
August 27th, 1862. }

Hon. J. M. EDMUNDS,

Commissioner of General Land Office:

DEAR SIR:—The State authorities of California are desirous of having Township 16 North, Range 1 East, Mount Diablo Meridian, together with various other townships in the State, and within the range of the regular progress of the public surveys, embraced by existing standard lines, or bases for the township and subdivisional surveys, in accordance with “an Act to reduce the expenses of the survey and sale of the pub-

lic lands in the United States, approved May twenty-third, eighteen hundred and sixty-two." Section ten of said Act provides that such survey shall be made by the Surveyor-General under such instructions as may be given him by the Commissioner of the General Land Office, etc. and I most respectfully ask you to give the Surveyor-General of the State of California such instructions as will enable the State to have such townships surveyed.

I am yours respectfully,

W. H. PARKS,
Commissioner for California.

—
GENERAL LAND OFFICE,
September 5th, 1862. }

W. H. PARKS, Esq.,
Commissioner for California, Washington, D. C. :

SIR:—Your letter of the twenty-eighth ultimo, asking that such instructions may be given to the Surveyor-General of California as will enable the State to have certain townships surveyed under the Act of May thirtieth, eighteen hundred and sixty-two, has been received.

In reply, I have to state that proper instructions have this day been sent to the Surveyor-General in reference to your application—placing the State upon the same footing as the settlers mentioned in the Act.

Very respectfully,

Your obedient servant,

J. M. EDMUNDS,
Commissioner.

—
SWAMP LANDS.

By an Act of Congress of the twenty-eighth day of September, eighteen hundred and fifty, known as the Arkansas Act, all of the Swamp Lands that were within the boundaries of the respective States were granted to them for the purpose of reclaiming the same. It being a well established principle that this was a present and absolute grant, and that the title was just as much in the State as if the patents had been issued, it only remaining to be determined which were Swamp Lands, on that date. Each State having the right to indicate by what method they would determine this fact, the Commissioner of the General Land Office issued certain instructions as to what would be required of the States to prove the swampy character of the lands. In eighteen hundred and fifty-five, the Legislature of California first provided for the sale of these lands by the passage of a law that required the purchaser to cause a survey of the land to be made, and also to prove by disinterested witnesses that the land sought to be purchased was Swamp and Overflowed Lands within the meaning of the grant, and in accordance with the instructions issued from the General Land Office. Under this

Act, and the subsequent Act of eighteen hundred and fifty-eight, and the various Acts amendatory of and supplemental thereto, there has been a large amount of these lands sold. It was not expected that patents would be issued upon these surveys made by individuals, but that it would be notice to the General Government that the State claimed them as Swamp Lands. Consequently, in eighteen hundred and sixty-two the Legislature provided for having a complete survey of all the Swamp Lands within her boundaries, also for procuring such evidence as was required by the Department at Washington to prove the swampy character of the land. The provisions of this Act have been complied with as far as possible, there having been upwards of two millions of acres surveyed and proven up in accordance with the instructions from the General Land Office, and the proper field notes and affidavits having been filed in the office of the United States Surveyor-General at San Francisco. Upon this survey it was confidently expected that patents would be issued. It was, however, ascertained that there was still a large amount of Swamp Land in the State that could not be proven up under the instructions issued from the General Land Office. It was expected that I would, if possible, procure a modification of those instructions, as well as to take the necessary steps to procure the patents for the land already surveyed; but owing to the reduction of the clerical force in General Beale's office by the last Congress, it was impossible for him to forward the proper lists of the Swamp Lands claimed by the State, together with the affidavits, to Washington, (as he says in a letter to General Winn, President of the Board of Swamp Land Commissioners, of which he kindly furnished me with a copy,) but his failure to forward these lists was no detriment to the State, as the Commissioner now holds that the State has no right to survey those lands, or in any manner dispose of them. This opinion is so directly in conflict with all former decisions and opinions, that it puts an end to all hope of procuring a patent for these lands, unless relieved by Congressional aid. It appears to have been the opinion of Surveyors Mandeville and Beale, as well as all the State authorities, that the State had the right to make the surveys, and that it would be recognized by the General Government. General Mandeville says in his letter to General Higby, April twenty-third, eighteen hundred and sixty, (which will be found in General Winn's communication, marked A):

"Herewith I inclose copies of instructions and accompanying papers, with reference to the Swamp and Overflowed Lands accruing to the State of California under the Act of Congress of the twenty-eighth of September, eighteen hundred and fifty. A careful examination has led me to the conclusion that the initiatory steps in this matter should be taken by your office.

"The lists required to be forwarded to the Department for their action are, in my judgment, to be based upon an examination of the application made by you: first, with the field notes of the public surveys on file in this office; and second, with the affidavits of the County Surveyor and other respectable persons, as required in said instructions. Should my views of this matter coincide with your own, I have to inform you that I am ready at any time to expedite this business upon due receipt of the proper papers from your office."

General Beale says, in a letter to General Houghton, May twenty-eighth, eighteen hundred and sixty-two:

"I have received your communication of the twenty-seventh instant. E. Twitchell, Esq., also presents original affidavits obtained by your office, referring to tracts of land claimed by the State as Swamp and Overflowed. Those examined by me comply with the instructions of the General Land Office, and there is no bar to an immediate settlement of the matter."

It will be seen that General Mandeville was of the opinion that the initiatory step should be taken by the State authorities. It is true that he says their action should be based upon an examination of the field notes of the public surveys then on file in his office; but it will be remembered that the Government has not, up this time, ever surveyed any of the Swamp and Overflowed Land, any further than to run the segregating lines and sectionizing the high lands, and returning the balance in bulk as Swamp Lands. What else could the State authorities infer than that they had the right to sectionize that which had been returned as Swamp Land by the General Government, and receive patents for the same? General Beale, who has examined their surveys and affidavits, says they are *correct and in accordance with the instructions, and that there is no bar to an immediate settlement of the matter.* But Commissioner Edmunds settles the whole matter in a few words. He says, in his communication to me of October twenty-fifth, in reply to mine of October eighteenth:

"I am in receipt of your letter of the eighteenth instant, and, as a reply thereto, I have to state that the State of California cannot acquire title to lands under the Swamp law of September twenty-eighth, eighteen hundred and fifty, which have not been regularly surveyed and platted. The survey must be complete, not only in the township lines, but in section and all other subdivisional lines."

The Commissioner, in his letter to me of September ninth, also decides that he has no legal authority for granting the instructions asked for relative to the Swamp Land matters, so that the State would not have to prove that they were Swamp Lands in eighteen hundred and fifty. He is of the opinion that, as the grant dates back to that time, the proof as to what the character of the lands was at that time is essential.

SCHOOL AND PUBLIC BUILDING LANDS.

By a law of Congress, approved September fourth, eighteen hundred and forty-one, there was granted to each State five hundred thousand acres of land for the purpose of internal improvements. The latter clause of section eight makes the same provisions apply to new States. California, like some other new States, has appropriated the proceeds of this grant for school purposes.

By an Act of Congress, March third, eighteen hundred and fifty-three, there was granted to the State of California the sixteenth and thirty-sixth sections, for school purposes, in each township.

Section twelve of the same Act grants the quantity of two entire townships, or seventy-two sections, to the State of California for the use of seminaries of learning.

Section thirteen of the same Act grants ten sections for the purpose of constructing public buildings in the State.

This comprises the whole of the lands under the head, and the same rules are applicable to their selection.

In eighteen hundred and fifty-two, the Legislature of California provided for the disposal of the five hundred thousand acre grant, by authorizing the Governor to issue land warrants for not less than one hundred and sixty nor more than three hundred and twenty acres in one warrant, to be sold at two dollars per acre, the money to be invested in State seven per cent bonds, there to be held as a sacred fund for school purposes.

The Legislature of eighteen hundred and fifty-nine provided that said land warrants might be located upon unsurveyed lands; *providing*, that any person desiring to make such location should first file in the County Surveyor's office an affidavit, setting forth, to the best of his knowledge and belief, that there was no adverse title or claim to the lands sought to be purchased.

Subsequent Legislatures have also provided for the disposal of these three grants made by the Act of eighteen hundred and fifty-three; and of these four grants, there has been upwards of eight hundred thousand acres sold, a large proportion of which has been upon unsurveyed lands; and as some of the Registers of the local Land Offices of the State held to the opinion that the State had no right to locate or float upon unsurveyed lands, it was expected that I would submit the question to the Commissioner for his decision, as will be seen I did in my communication of August fifteenth.

On the twenty-seventh of August, I received a copy of a circular, issued from the General Land Office, August twenty-first, eighteen hundred and sixty-two, to the Registers of the local Land Offices of the United States. By reference to the circular, it will be seen the Commissioner is of the opinion that the State has no right to select unsurveyed lands in satisfaction of either of the above named grants. The Commissioner also decides, in this circular, that the State is not entitled to indemnity for the sixteenth and thirty-sixth sections, where the township wholly falls within a Spanish grant, any more than it would be if the township was covered with a lake or navigable stream. How the Commissioner comes to any such conclusion as this, I am unable to say. for the Act of eighteen hundred and fifty-three provides, in section seven, that where the sixteenth and thirty-sixth sections have been taken "by private claims," that other lands shall be selected by the proper authorities of the State in lieu thereof. Now, it is my opinion that Congress intended to grant two sections of land to every inhabitable township in the State, or to the State for the use of the townships, and that they have provided that where they have been previously disposed of, that the State authorities should select other lands in lieu thereof for the use of said township. This principle has been thoroughly established in the Act of May, eighteen hundred and twenty-six, an Act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for. By reference to this Act, you will see how particular Congress was to provide, where townships were fractional, that they should have their exact quantity of land. For instance, if a half township, and less than three fourths, they should have half the quantity; and if three fourths of a township, and less than a whole one, they should have three fourths the quantity. This goes to prove conclusively to me, that the grant was made to the States for the use of the townships, and not to the States at large; consequently, under any circumstances, where the lands had been previously disposed of, they should have the right to select other lands in lieu thereof. The comparison of

the Commissioner is not a good one, when he compares it to a township covered with a lake or navigable stream, for the reason that such a township would be uninhabitable, and of course would have no need of Public Schools.

This principle being established, there is no reason why the State should not be entitled to indemnity for the sixteenth and thirty-sixth sections, where they fall upon a Spanish grant, or where they fall upon Swamp Lands, as they have been previously disposed of to the State for a specific purpose. The express condition of that grant was that the proceeds should be applied to reclamation, thereby depriving the State of the privilege of appropriating any portion of the proceeds for school purposes. Nor is there any just reason why the citizens that settle upon a township of Swamp Lands, pay the same taxes, and bear the same burdens as those who settle upon high lands, should not have the same facilities for education. But it may be said that the Government had already given these Swamp and Overflowed Lands to the State, and that now she ought not to be compelled to give other lands in lieu thereof; but what did she give to the State? that which was valueless to her, and on condition that the State would make it valuable and inhabitable. We cannot consider this as a donation to the State, for the reason that it was valueless in its natural state, and the General Government only relinquished its title on condition that the State would make it valuable.

The Commissioner also decides that the State is not entitled to indemnity for the sixteenth and thirty-sixth sections which may fall on mineral lands. He also holds that the grant did not pass the title to the State to the sixteenth and thirty-sixth sections that happened to fall upon mineral lands. I am of the opinion that the State now owns every sixteenth and thirty-sixth section of mineral lands within her boundary just as much as she does that of agricultural lands. The grant was absolute and without reservation, granting every sixteenth and thirty-sixth section in the State that had not been previously disposed of, and providing that where they had been previously disposed of, that other lands should be selected in lieu thereof. There may be some doubt as to whether mineral lands are reserved lands for public use within the meaning of the grant, as they have never been surveyed, and, as a matter of course, the State would not be entitled to indemnity until they have been surveyed and reserved from sale; but that the title is absolutely in the State, there is no doubt, and it is only a matter of policy with the State whether she will ask the privilege of floating from the mineral lands, or whether she will wait and dispose of them herself. By reference to the case of the State of Michigan against certain lessees, under the Act of March, eighteen hundred and forty-seven, which will be found in Lester's Land Laws, page four hundred and ninety-four, it will be seen that Secretary A. H. H. Steward puts this question beyond all controversy. On page four hundred and ninety-five, in speaking of the Act of the twenty-third of June, eighteen hundred and thirty-six, admitting the State of Michigan into the Union, and containing a grant of every sixteenth section to the State which had not been disposed of. (here you will see the language is nearly identical with the grant to California, except California gets the additional thirty-sixth section,) Mr. Steward says: "I regard it as an absolute grant of every sixteenth section which had not, on the twenty-third day of June, eighteen hundred and thirty-six, been sold, or otherwise disposed of, whether designated by survey or not, and the fact that the same language was used in the admission of Ohio into the Union, in eighteen hundred and two, and the admission of all other States subse-

quent to that time, has passed to the States the title to section sixteen without further legislation. The issuing of patents or other action by the General Land Office shows that it has always been regarded as a present grant."

In this case the lessees claimed a certain section sixteen which was mineral land, under a lease from the General Government, and the State of Michigan claimed it under the School grant, and Secretary Steward decided that there was no reservation of mineral lands, but that it was a present and absolute grant to every sixteenth section in the State that had not been previously disposed of.

You will see that although the usual grants have been made to California, that owing to the peculiar circumstances, the State is not able to procure a title to any of them, or at best to a small portion, owing mostly to the want of a public survey. In California, settlements have preceded surveys, while in other States surveys have preceded settlements, and the General Government has not kept pace with the necessities of the people, and the State authorities have adopted the best possible means to give the inhabitants a color of title to their lands, and in so doing have got the matter somewhat complicated, and nothing but an Act of Congress can relieve them.

Therefore I have submitted the whole question to our delegation in Congress, asking them to urge the passage of a Bill embodying the following points:

Firstly—The confirmation of the State survey of the Swamp and Overflowed Lands, so far as they have not been disposed of by the United States Government.

Secondly—To provide that when the Government has sold any of the Swamp or Overflowed Lands, that the State authorities may select other lands in lieu thereof.

Thirdly—To allow the State to complete the survey of Swamp Lands.

Fourthly—A modification of instructions so that the State will only be required to prove that they were Swamp and Overflowed Lands, taking an average season of three years preceding the making of the affidavit, for a guide.

Fifthly—To provide for the State to have the right to float the sixteenth and thirty-sixth sections from Mineral or Swamp Lands, as well as from Spanish Grants, whether the township comes wholly or in part within the same, either upon surveyed or unsurveyed land.

Sixthly—To confirm the locations that have been made in part satisfaction of the various grants that have been made for school or public building purposes, by authorizing the Registers of the local Land Offices to withhold from the right of pre-emption or sale, any tract of land that the State authorities have, or may hereafter select, in part satisfaction of the above mentioned grants.

The passage of such a bill as this, in my opinion, would heal all the difficulties that now exist; without which, it will be a long time before the matter will be settled, or the State will be able to get any evidence of title. It is true, the instructions of the Commissioner is merely directory; many of the questions being of a judicial character, his decisions might be overruled by the Courts, but this would require a great deal of time and expense, and if Congressional aid can be had it would be much better.

LANDS DONATED FOR THE BENEFIT OF A COLLEGE FOR AGRICULTURAL AND
MECHANICAL ARTS.

At the last session of Congress there was passed a bill donating to each State thirty thousand acres of land for each member of the Senate and House of Representatives. This, unjust as it is in its provisions, gives California one hundred and fifty thousand acres of land for the support of a College for the benefit of agricultural and mechanical arts; *provided*, the State accept the same within two years, and establishes the college in five years.

In my opinion, there should be some provision made for the acceptance of said grant, and for the selection of the land, as well as all other lands claimed by the State, as the effect of this bill, and the homestead bill, will be to reduce the price of wild lands. This bill provides that when a State has no Government Land within her boundaries, that the authorities of the State may issue land warrants, and sell them without restriction as to price, to be located upon any Public Lands. This will throw a large amount of land warrants into market at once, and must, from necessity, make wild lands cheap.

FIVE PER CENT OF THE NET PROCEEDS OF THE SALES OF THE PUBLIC
LANDS.

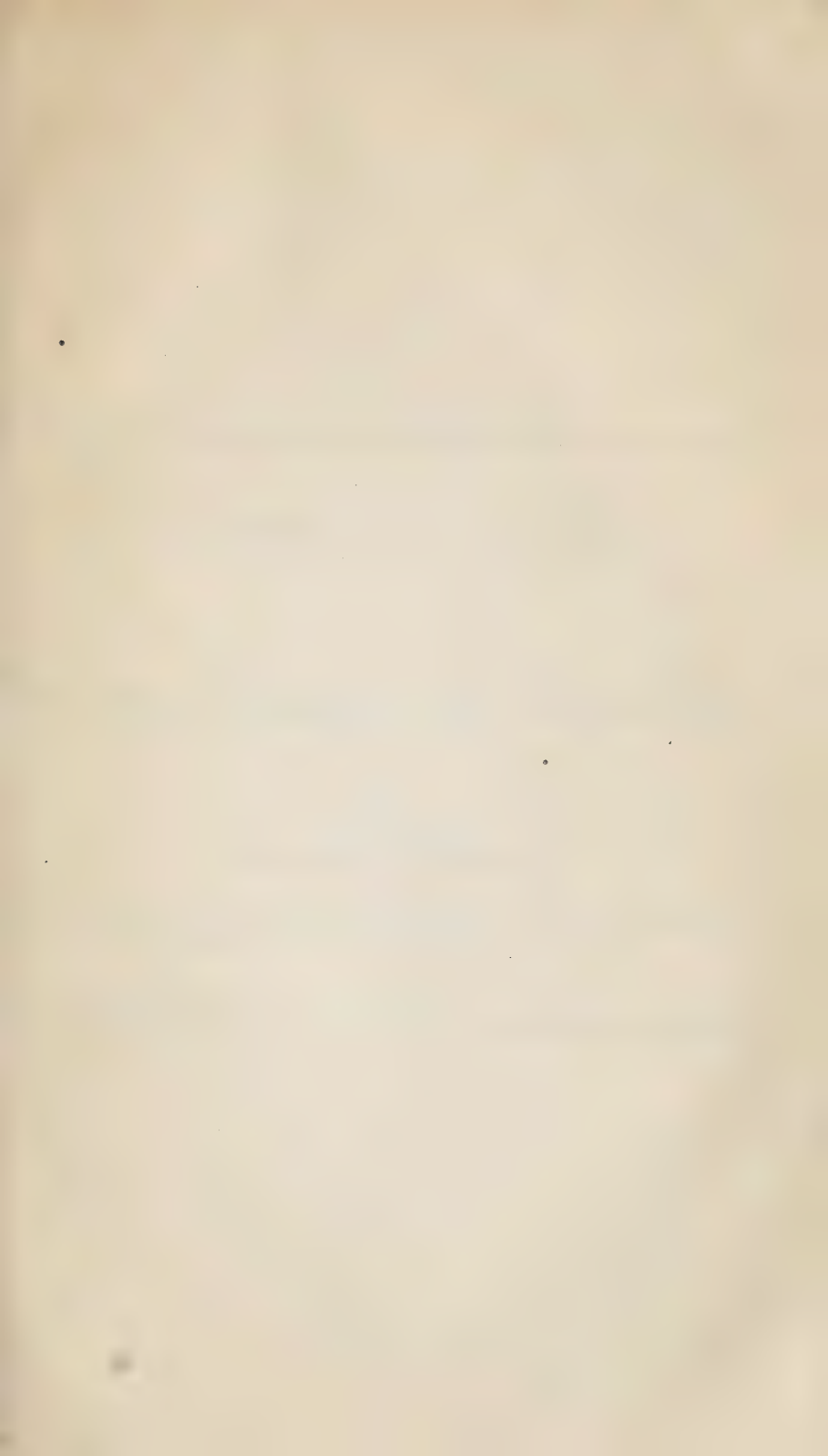
California, like all other States, is entitled to five per cent of the net proceeds of the sale of the Public Lands; but as the sales that have been made in California have come far short of paying the expenses of survey and sale of the Public Lands, the State need not look for anything from this source for many years, from the fact that the public surveys that have been made in California have been upon comparatively worthless lands, such as the Colorado Desert, and many other places not much better.

This, I believe, comprises all of the claims that California has upon the General Government for lands. It has been claimed by many that California has been particularly favored by Congress in the way of grants of lands, but this is far from being the case—she has not received one single grant that has not been made to other States. It is true that the old States did not receive the thirty-sixth section in addition to the sixteenth, for school purposes, but I believe all, since the admission of Wisconsin, have received it, and the precedent was not established by California—but she has a right to complain, that owing to the peculiar views of the Commissioner, she has not been able to obtain that to which she is justly entitled.

Respectfully,

WM. H. PARKS.





COMMUNICATION

FROM

Governor Stanford to the Legislature,

WITH

CORRESPONDENCE

IN RELATION TO THE PAYMENT OF CALIFORNIA'S QUOTA OF THE DIRECT TAX,
APPORTIONED BY ACT OF CONGRESS AUGUST 5, 1861.

BENJ. P. AVERY.....STATE PRINTER.

COMMUNICATION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 8th, 1863. }

TO THE HONORABLE THE SENATE AND ASSEMBLY OF CALIFORNIA :

Herewith I submit for your consideration, copy of correspondence with Honorable D. W. Cheesman, Assistant Treasurer of the United States, at San Francisco.

From the letter of Mr. Cheesman it will be seen that the State Treasurer, on the third day of January, eighteen hundred and sixty-three, tendered to him, as Assistant Treasurer of the United States, legal tender notes in payment of the balance of the Federal direct tax due from this State. It may be admitted as a fact, about which there is no question, that the people paid this tax into the State Treasury in coin. To tender the United States payment of the direct tax in legal tender notes, therefore, required that the coin should first be changed into currency of that denomination.

From the laws it is plain the Treasurer could only pay upon the warrant of the Controller the money of the Treasury. I do not find anything in the law constituting the Treasurer the agent of the Assistant Treasurer of the United States, and if he assumed to act in that capacity, it is plain that he should pay over to his principal that which he received for his use ; but I do not choose to pursue the subject in this direction.

The Controller of State informs me, for the purpose of liquidating the indebtedness of the State to the United States, he drew his warrant for the amount due, payable to "D. R. Ashley, for the Assistant Treasurer of the United States." He had no authority to do so, as the law plainly directs the warrant to be drawn "in favor of the said Assistant Treasurer of the United States," and the account of the United States was, by the Board of Examiners, approved in favor of the Assistant Treasurer of the United States at San Francisco.

I call your attention particularly to that portion of the letter of Mr. Cheesman where he states he awaits the action of the Legislature, and also to such portions of the laws as are most pertinent to the subject. (Wood's Digest, page 709, Sec. 4 ; page 710, Sec. 1, Art. 3.405 ; Secs. 2, 3,

and 10, of the Act of eighteen hundred and sixty-two, assuming the Federal Tax.)

In conclusion, I will only remark, that gratitude for the many favors bestowed upon our State by the Federal Government, to say nothing of the holier and loftier dictates of loyalty and patriotism which should warm every heart in this hour of our country's need, should prevent California from imitating the example of inimical foreign powers and capitalists, who seek to embarrass our Government and paralyze its energies by forcing upon it, for sale or redemption, the bonds and other evidence of Governmental indebtedness. We, at least, ought not to speculate upon her necessities by forcing upon her reception a currency somewhat depreciated, but which she has been compelled to issue for the suppression of an unholy rebellion.

LELAND STANFORD, Governor.

CORRESPONDENCE.

[D. W. Cheesman to Governor Stanford.]

(COPY.)

OFFICE OF THE ASSISTANT TREASURER U. S., }
San Francisco, Cal., Jan. 3, 1863. }

SIR:—I deem it my duty to advise you that this day D. R. Ashley, Treasurer State of California, tendered in payment of the balance of the Federal direct tax, allotted to and assumed by the State of California, one hundred and eighty-three thousand six hundred and six dollars and ten cents, in legal tender notes, at this office, which I declined receiving until I shall have received further instructions.

By Monday's mail I will address you at greater length upon the subject.

Respectfully yours,

(Signed)

D. W. CHEESMAN,

Assistant Treasurer United States.

His Excellency,

LELAND STANFORD,

Governor of California, Sacramento.

[D. W. Cheesman to Governor Stanford.]

(COPY.)

OFFICE OF THE ASSISTANT TREASURER U. S., }
San Francisco, Cal., Jan. 5, 1863. }

SIR:—On Saturday last, the Hon. D. R. Ashley, Treasurer of the State of California, tendered me, as Assistant Treasurer United States, the sum of one hundred and eighty-three thousand six hundred and six dollars and ten cents, in United States legal tender notes, in further payment of the quota of the direct tax apportioned by Act of Congress to this State.

I declined to receive the money so tendered, and await further instructions in the matter.

Upon occasion of a similar payment by the State Treasurer, your Excellency, as Governor of the State of California, and in behalf of the people of the State, very earnestly, and, as I thought, very properly, protested against it, and I had hoped that the Treasurer would at least have given such consideration to that protest as to have awaited the sanction of the Legislature before further attempting to carry out a policy, which, to say the least of it, is of very doubtful propriety, and which seems to me to be wholly unwarranted either by the letter or the spirit of the law.

The fifty-third section of the Act of Congress, under and by virtue of which this tax was levied, provides that any State may, in the manner therein directed, "assume, collect, and pay," etc., the quota of the "direct tax," assigned to such State. Pursuant to this section of the law, the Legislature of California, at its session of eighteen hundred and sixty-two, passed an Act for the "collection and payment of the quota of the direct tax apportioned to this State," by the tenth section of which, it is provided that the Treasurer of the State is hereby directed to pay over to the Assistant Treasurer of the United States, at the City of San Francisco, on the first Monday in each month, all moneys in the State Treasury belonging to the Federal Tax Fund, not exceeding in each fiscal year the quota of the direct tax allotted to this State by the said Act of Congress.

It is well known that the moneys which constitute the Federal Tax Fund were paid into the Treasury by the people of California in gold and silver coin of the United States, but by a decision of the Supreme Court of this State, they were prohibited from paying any portion of their taxes in United States legal tender notes; and it is "moneys in the State Treasury belonging to the Federal Tax Fund," which the State Treasurer is directed to pay over, and which the Assistant Treasurer of the United States is to receive. That the Treasurer of State did not pay over "on the first Monday of each month," is a matter about which I do not care; but where he attempts to pay moneys which were never paid into, and constituted no part of, the "Federal Tax Fund," I have the right to object, and I have taken the responsibility of doing so.

The Treasurer of the State, like myself, is the mere custodian of that Fund, and is as much bound to pay it over in kind as he is that of any other Fund in his possession. As well might he attempt to speculate with the moneys belonging to the School Fund, as with those of this; with equal propriety convert coin into paper, for the purpose of paying the interest on the State Debt, or meeting the accruing obligations of the State. The rights of the Federal Government are in no wise less sacred than are those of the individual citizen.

It may be said, I know, that the Federal Government loses nothing by this transaction; and in one sense that is true, but in another and higher sense it is not true. This is a disbursing office. The monies which are paid in here, are paid out here; the creditors of the Government, therefore, must suffer. The interests of the Government can never be dissociated from those of her citizens, and when the humblest individual is made to suffer by any wrong done to her, she, too, must suffer. This is a speculation, therefore, at the expense of the Federal Government, because at the expense of the creditors of that Government. It is a speculation at the expense, in part, of loyal California soldiers, who are now periling their lives in support of the National Government, and it

will be slight consolation to these men, where they are required to lose fifteen or twenty per cent of their hard earned salary of thirteen dollars per month, to be told that this fifteen or twenty per cent has been saved to the great State of California. It is California (though, as I am bound to believe, the mistaken policy of the Treasurer) attempting to speculate upon the necessities, in part, of that portion of her own citizens who are at once the most loyal, and the least able to submit to such losses. I will not willingly be a party to the accomplishment of such a purpose.

I am not advised as to the disposition proposed to be made of the surplus earnings of this "money-changing" venture; nor do I regard it as a matter of special consequence. Its donation to the Federal Government would be no relief to those whose interests are affected by this substitution of paper for coin. The Federal Government, to maintain her high honor, and to meet her plighted obligations to her creditors, has been compelled to go into the market and buy gold; but she has never sold her coin for the purpose of speculating at the expense of her creditors, nor will she, I am sure, be willing that California should do so for her.

I may be thought to have overstepped the strict line of my duty, and to have laid myself liable to censure, as a Federal office-holder, but I do not so regard it. When I became, for a time, Assistant Treasurer of the United States, I did not lose any of my rights as a citizen of California, nor my interest in her honor and her welfare. Anxiously solicitous, as I hope I always am, to discharge my duties as a Federal officer to the full extent of my ability, I should be untrue to myself if I could ever lose sight of the interests of the people of this State, nor will I silently permit any act to be done, which, in my opinion, is calculated to bring discredit or dishonor upon them. The interests of California can never cease to be identical with those of the Federal Government. My duties as a Federal office-holder can never conflict with my obligations to the State.

As Assistant Treasurer of the United States, having the high honor of representing her in this matter, I ask only that justice shall be done. I ask for her only what, under like circumstances, I should ask for myself—that the Fund paid into the Treasury by the people of this State for her, and by the law sacredly set aside for her use, "the moneys belonging to the Federal Tax Fund," shall, as the people intended, and as the law evidently contemplates, be paid over to her in kind. Shall such a request be vain?

I trust that your Excellency may deem this matter of sufficient importance to bring it to the early attention of the Legislature now in session. If they, upon a full consideration of the facts, shall sustain the action of the Treasurer of State, however much I may regret such action, I shall submit to their superior wisdom, and shall feel myself bound to accept the funds tendered, at once, without awaiting further instructions from the Honorable Secretary of the Treasury of the United States.

Respectfully yours,

(Signed)

D. W. CHEESMAN,

Assistant Treasurer United States.

His Excellency,

LELAND STANFORD,

Governor of California, Sacramento.

[Governor Stanford to D. W. Cheesman.]

(COPY.)

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 7th, 1863. }

Hon. D. W. CHEESMAN,

Assistant Treasurer United States, San Francisco :

SIR:—I have the honor to acknowledge receipt of your favors of the third and fifth instants, both in relation to a tender, by the Hon. D. R. Ashley, Treasurer of State, of United States legal tender notes, in payment of the balance of Federal direct tax, due from this State.

I shall take an early occasion to place the whole matter before the Legislature, and will advise you, as early as possible, of their action.

Very respectfully,

Your obedient servant,

(Signed,)

LELAND STANFORD,

Governor.

MAJORITY AND MINORITY REPORTS

OF

The Special Committee of the Assembly,

APPOINTED TO INQUIRE INTO THE CONDUCT OF THE

STATE CONTROLLER AND STATE TREASURER,

IN CONNECTION WITH THE PAYMENT IN LEGAL TENDER NOTES OF CALIFORNIA'S QUOTA OF THE FEDERAL DIRECT TAX.

BENJ. P. AVERY.....STATE PRINTER.

MAJORITY REPORT.

Mr. SPEAKER:—The committee appointed to investigate the charges made against the State Controller and State Treasurer, in regard to the payment of California's quota of the Federal direct tax in United States legal tender notes, beg leave to present the following report:

First—That the testimony taken before the committee has been carefully engrossed, and preserved for the examination of the House and the public, and accompanies this report.

Second—That a condensed statement of the leading facts, as found by your committee from said testimony, has been prepared and agreed upon, and is presented herewith, and reference to said statement is hereby made.

Your committee respectfully submit that the laws bearing upon the mode of paying the quota of the direct tax are in a state of almost irreconcilable confusion and conflict; that the statute of eighteen hundred and sixty-two, providing for the levy, collection, and payment thereof, provides no means for compliance with the law of Congress creating said tax, in this: that the United States law declares plainly and distinctly that, by fair intendment, where a State assumes the tax, she must pay it into the United States Treasury, and that the United States authorities are called upon to do nothing until the money is presented at the Treasury door.

The statute of the State of California, passed eighteen hundred and sixty-two, section two, provides that all the officers required by law to discharge any duties relative to the assessment, collection, safe keeping, and disbursement of the Federal ad valorem and poll tax, are to be governed by the same laws, and liable to the same penalties, as in the collection, safe keeping, and disbursement of the ad valorem tax for State purposes.

This law, operating upon the Treasurer and Controller, made it impossible, in our judgment, for the money to be lawfully drawn out of the State Treasury and paid into the United States Treasury at San Francisco without the United States Treasurer at San Francisco taking some active part in the transaction, by filing his claim with the Board of Examiners, and obtaining the warrant of the Controller. To do this that gentleman refused, or at least wholly failed, claiming, in substance, that

he had nothing to do but receive the funds at his counter at San Francisco.

Your committee is satisfied that the State Controller did not pursue the State law in drawing his warrant, in this: that it was not drawn in favor of the United States Assistant Treasurer, as is required; but when it is borne in mind that that gentleman failed to apply for or receive it, and further, that the delaying the matter involved the State in the loss of the per centage allowed by the law of Congress for collection, and the conflicting and doubtful character of the laws on the subject, much allowance might be made for the difficulties of his situation, if it should appear that he really acted in good faith, and according to his best judgment.

Against this view of the case appears the suspicious circumstance, that he advised and encouraged, before the act, the exchange of the coin into legal tender notes, and the further fact that he did not have any interview with or make any communication to the Assistant Treasurer of the United States on the perplexing subject, as it is fair to presume a conscientious public officer, seeking his way through a difficult and doubtful duty, would have done.

There was no evidence before the Committee to prove that the State Controller made any profit in the transaction.

As for the conduct of the Treasurer in making the exchange from coin to legal tender notes, there can be no doubt that it was wholly unauthorized by any law.

Your Committee is satisfied from the evidence, that the State Treasurer did not make the change from any motives of personal profit or gain, but from what has since proven to have been a mistaken notion of public financial benefit to the State.

At the time the transaction was determined upon, there was a prevailing opinion in the public mind that in a short time legal tender notes would become the circulating medium of the country. Time has not justified the opinion.

We find that the means of obtaining the notes for the purposes of the transaction were of a slipshod and unbusinesslike manner, particularly in making verbal contracts without witnesses or security. Had legal tender notes increased materially in value between the time of making the contract and its performance, so as to involve the contracting parties in a loss of several thousand dollars, the mind is left in doubt as to what would have been their conduct; or would, in fact, the public have been informed that there had been a contract made?

The conduct of the Treasurer in depositing the funds in the hands of private individuals, is open to censure as being against the spirit and letter of our laws on that subject.

As to the effect that the payment of this tax in legal tender notes had on the disbursements made by the General Government on this coast, your Committee do not think the evidence, upon the whole, justifies any positive opinion.

The United States Assistant Treasurer at San Francisco, upon being examined as to the details of the system of disbursements from that office, considered that a full statement on many material points pertaining to the subject, would be injurious to the interests of his Government, and declined to answer.

That the payment of two hundred and fifty-three thousand dollars (\$253,000) in Treasury notes, instead of gold, worked any material injury to the United States Government, we cannot believe. That it would

have been better for the Government that it had been paid in gold, is true, but, except as a question of principle, the sum was comparatively too insignificant to work any very serious detriment.

Perhaps the worst feature in the exchange of gold into legal tender notes is, the most pernicious example it was calculated to set before inferior revenue officers in this State. The past history of California shows that the changing of coin by such officers into bonds and State and county indebtedness, has been a serious evil, and various Acts of the Legislature have been passed to prevent such transactions.

In this view of the case, the conduct of the Treasurer was reprehensible, whatever his motives may have been.

Your committee recommend that the money arising from the exchanging the said coin into notes, should be disposed of by legislative action, without special suggestion as to the mode.

JOHN F. SWIFT, for Committee.

FACTS.

Mr. SPEAKER:—Your committee, appointed to investigate the conduct of the State Controller and State Treasurer, in the matter of the payment of California's quota of the Federal direct tax, and the circumstances connected with the said transaction, have had the same under examination, and beg leave to report that they find the following facts:

First—That some time in June, eighteen hundred and sixty-two, Treasurer Ashley first conceived the idea of making an exchange of the coin which should come into his hands, belonging to the Federal Direct Tax Fund, into United States legal tender notes, as appears in the following quotation from his testimony before the committee:

"The first idea that I had of California paying her quota of the direct tax otherwise than in coin, or other money than that received by the State, was about June, eighteen hundred and sixty-two, when, in conversation with Governor Stanford, we mutually discussed the propriety of offsetting California's claim for Indian War Debt, against the portion of direct tax due from California."

Second—That on the first of September, eighteen hundred and sixty-two, there was in the Federal Direct Tax Fund, in said Treasurer's office, the sum of seventy thousand nine hundred and thirty-two dollars and fifty-six cents (\$70,932 56): sixty-eight thousand three hundred and sixty-two dollars and fifty-six cents (\$68,362 56) in coin, and the balance, viz: one thousand five hundred and seventy dollars, (\$1,570,) in legal tender notes, which had been received by the State Treasurer, under the advice of the Attorney-General, from certain County Treasurers hereinafter named, and which notes appear to have been received from sales of School and Swamp and Overflowed Lands, etc., and from receipts on Federal poll tax. But concerning the notes on hand at the time of the first exchange, as well as the last, and concerning the sources from whence they were obtained, and the proportion received by County Treasurers for Federal tax, your committee have no other information except the testimony of Treasurer Ashley, as said notes were received by him simply as money, and no distinction made between entries of payments in coin and in notes, and no record of any nature has been kept in his office showing that any payments have ever been made by

any one in Treasury notes. Deducting from the seventy thousand nine hundred and thirty-two dollars and fifty-six cents (\$70,932 56) the percentage allowed to the State by the Federal Government, seven thousand and ninety-three dollars and twenty-five cents, (\$7,093 25,) left sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents (\$63,839 31) to be paid to the Assistant Treasurer of the United States.

Third—On the first day of September, eighteen hundred and sixty-two, the State Treasurer addressed a letter to the United States Assistant Treasurer, informing him of the amount on hand belonging to the Federal Direct Tax Fund, and his readiness to pay the same at his office in Sacramento, and received an answer from the Assistant Treasurer, on the sixth of September, declining to come to Sacramento for the money, on the ground that he was not authorized to receive money at any other place than his office, and suggesting that as the Act of the Legislature required the money to be paid at San Francisco, the expense of transportation would be paid by the State.

Fourth—On the eighth of September, the State Treasurer informed the Controller of the amount on hand in the Federal Direct Tax Fund, and advised him that the law required payment to be made on warrant drawn by the Controller.

On the ninth of September the Controller replied, advising the Treasurer to retain the amount on hand until the November settlements with the County Treasurers should enable him to make the entire settlement of, say, two hundred and fifty-four thousand dollars, (\$254,000.) and then to make it in Treasury notes, for the benefit of the State. The Controller had, prior to this communication, and after, on several occasions, with the Treasurer, urged this course.

Fifth—On or about the middle of September, Treasurer Ashley, being in San Francisco, employed the law firm of Patterson & Stow, at a stipulated fee of five hundred dollars, (\$500,) to give him their opinion as to the legality of making exchange of coin into legal tender notes, and making payment of the same to the Government for California's quota of the Federal direct tax, to which they gave a favorable opinion.

Sixth—About the same time, the State Treasurer proposed to I. & S. Wormser, at San Francisco, to let them furnish him with the notes to make the first payment; they accepted, agreeing to furnish the notes at ninety-two and four fifths cents on the dollar. The market price for notes appears, at that time, from testimony before the Committee, to have varied, in proportion to amounts desired, and urgency of demand, from _____ to _____ cents. Treasurer Ashley made this agreement with the Wormsers, without having sought to make any arrangements with any other brokers to supply him with the notes needed, for the reason, as he states, that he did not wish to make the fact of the proposed exchange known, lest it should disadvantageously affect the market, and he not be able to obtain the notes on such favorable terms.

Seventh—Treasurer Ashley, having made this arrangement to procure notes, returned to Sacramento; thereupon, viz: on the twenty-second of September, Controller Warren, without having submitted the claim of the Federal Government upon this State for this tax assumed by the State, to the Board of Examiners, and without any communication, verbal or written, with the Assistant Treasurer, or having received any demand or request for such warrant, and without the knowledge of said Assistant Treasurer, and according to his testimony before the Commit-

tee, of his own suggestion, drew his warrant upon the State Treasurer, in words and figures as follows :

SEAT OF GOVERNMENT, CONTROLLER'S OFFICE, }
California, September 22, 1862. }

[\$63,839 31.]

The Treasurer of State will pay, out of the Federal Tax Fund, to the order of D. R. Ashley, for Assistant Treasurer U. S., San Francisco, sixty-three thousand eight hundred and thirty-nine 31-100 dollars. Kind of service—State's quota (portion of) Direct Tax due U. S. Liability accrued—September 22d, 1862.

No. 210.

G. R. WARREN,
Controller.

Controller Warren delivered the same to Treasurer Ashley, who, a day or two thereafter, in company with said Controller, took the money from the vaults of the State Treasury, and started to San Francisco. On arriving at said city, the money was taken to the Russ House, and deposited over night in the safe belonging to the house. In the morning, Treasurer Ashley delivered the money to W. W. Stow, Esq., of the firm before mentioned—taking no receipt or security from Mr. Stow for the money, nor making any agreement in writing, or verbal in the presence of witnesses, concerning the nature of the trust confided to Mr. Stow—to keep possession of the money and pay it out to Messrs. I. & S. Wormser, as fast as they should procure legal tender notes and deliver them to Mr. Stow.

Eighth—Treasurer Ashley, having delivered the money to Mr. Stow, returned to Sacramento, and Mr. Stow took the money (about \$58,000) left with him by Mr. Ashley, and deposited it in the bank of Donohoe, Ralston, & Co., (explaining to them at the time he made such deposit, the purposes for which it was to be used,) to his own credit, where it remained about four or five days, until paid out, on checks drawn by Mr. Stow from time to time, as the Messrs. Wormser bought notes and delivered them.

Ninth—Treasurer Ashley returned to San Francisco on the twenty-eighth or twenty-ninth of September, took the notes which Mr. Stow had received, obtained others from Wormser, in person, and on the thirtieth of September, in company with Mr. Stow, went to the office of the United States Assistant Treasurer, and made the tender alluded to in his annual report, the particulars of which are not pertinent to this investigation. The notes were refused by the Assistant Treasurer until such time as he should receive instructions from the Secretary of the Treasury, Mr. Chase. Treasurer Ashley, leaving the notes in Mr. Stow's care, returned to Sacramento. The notes were sealed up when placed in Mr. Stow's keeping.

Tenth—Some time after, to wit: on the sixth of October, Assistant Treasurer Cheesman informed the State Treasurer that he was ready to receive the payment, and accordingly, on the eighth of October, the same moneys, previously refused, were received by the United States Assistant Treasurer in part payment of California's quota of Federal direct tax.

Eleventh—The amount saved in coin on this first payment, was four thousand four hundred and eighty-six dollars and thirty-nine cents (\$4,486 39.)

Twelfth—Immediately after this payment, the State Treasurer began

to make his arrangements for procuring legal tender notes to pay the remainder of the tax assumed by California; and on the eleventh or twelfth of October, made a verbal agreement with Mr. W. W. Stow, by the terms of which Mr. Stow was to furnish Treasurer Ashley the notes he needed to make the last payment, one hundred and seventy thousand eight hundred and thirty-six dollars, (\$170,836.) at eighty-eight (88) cents on the dollar; Mr. Stow having informed Treasurer Ashley by letter, previously, that he had made inquiry, and could not obtain the notes at less than ninety (90) cents on the dollar.

Thirteenth—It appears the County Treasurers did not make their settlement in November, as expected, and a special settlement was called for December, when the amount due on California's quota of direct tax was paid in.

Fourteenth—On the twenty-seventh of December, the Controller drew his warrant in favor of "D. R. Ashley, for Assistant Treasurer of the United States, San Francisco," for balance of State's quota remaining unpaid, viz: one hundred and eighty-three thousand six hundred and six dollars and ten cents (\$183,606 10,) which amount was drawn from the State Treasury by D. R. Ashley, as follows: twelve thousand seven hundred and seventy dollars (\$12,770) in legal tender notes, and one hundred and seventy thousand eight hundred and thirty-six dollars and ten cents (\$170,836 10) in coin. The legal tender notes had been paid in by County Treasurers, as before explained, since first payment was made.

Fifteenth—The State Treasurer then took the money to San Francisco, through Wells, Fargo & Co., on the second of January, eighteen hundred and sixty-three; paid to Mr. Stow one hundred and fifty thousand three hundred and thirty-five dollars and sixty-eight cents (\$150,335 68.) in coin, for one hundred and seventy thousand eight hundred and thirty-six dollars (\$170,836) in legal tender notes. The money was delivered to Mr. Stow, by Treasurer Ashley, at the office of Wells, Fargo & Co. in San Francisco, and by Mr. Stow taken, unaccompanied by Treasurer Ashley, to the counting room of William T. Coleman & Co., Mr. Stow procuring from them one hundred thousand dollars (\$100,000) in legal tender notes, and afterwards procuring from the Messrs. Wormser the balance.

Sixteenth—On the second of January, the State Treasurer tendered to Assistant Treasurer United States, at his office in San Francisco, the sum of one hundred and eighty-three thousand six hundred and six dollars (\$186,606) in legal tender notes, and ten (10) cents in coin, in full payment of California's quota of Federal direct tax. The Assistant Treasurer refused to receive the money that day, and told him to call again the next day. On the third of January, payment was again tendered, and the Assistant Treasurer refused to receive the notes, stating that he would await the action of the Legislature in the matter. The State Treasurer then deposited the notes with Mr. W. W. Stow, to await further action of Assistant Treasurer Cheesman.

Seventeenth—On the twenty-fourth of February, the Assistant Treasurer addressed a communication to the State Treasurer, stating he would receive payment of direct tax as tendered on the second and third of January; and on the twenty-sixth of February, the State Treasurer made payment to the Assistant Treasurer in the same currency as he had made the tender on the second and third of January, and received a receipt from the Assistant Treasurer in full for California's quota of the Federal direct tax.

Eighteenth—The Committee find the further fact, that the Treasurer of the State never consulted the Attorney-General of the State upon the right or propriety of exchanging the coin into legal tender notes.

Nineteenth—The Committee find that the Controller presented to the Board of Examiners, at their meeting on or about the fifteenth of October, the full account of the United States against the State of California for liability assumed by her in payment of her quota of Federal direct tax, viz: the two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-six cents (\$254,538 66,) including the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents (\$63,839 31,) for which the warrant had been already drawn by the Controller, and which had been paid without auditing.

The Board ordered the account divided, so as to present for separate action the account which had been paid, and the one hundred and ninety thousand six hundred and ninety-nine dollars and thirty-five cents (\$190,699 35,) remaining unpaid. On the thirty-first of October, the divided accounts came before the Board. They refused to audit and allow the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, (\$63,839 31,) F. M. Pixley, Attorney-General, alone signing the certificate, and audited and allowed the one hundred and ninety thousand six hundred and ninety-nine dollars and thirty-five cents, (\$190,699 35,) remaining unpaid, quoting the law in the certificate, to call the attention of the Controller to the fact that the warrant should be drawn "payable to the United States Assistant Treasurer, at San Francisco."

Twentieth—There was no evidence submitted to your committee warranting them to the conclusion that either Treasurer Ashley, or Controller Warren, derived any pecuniary benefit in the transaction.

Twenty-first—The Committee find that Mr. W. W. Stow purchased at eighty-five (85) cents the notes furnished by him to Treasurer Ashley at eighty-eight (88) cents, and that he gained by the transaction the sum of _____.

As to the profit of the Messrs. Wormser, the Committee could not find the exact amount, but that it was, in the aggregate, a considerable sum.

Twenty-second—The Committee find, from the testimony of E. W. Bourne, that an amount equal to all receipts of money at the Assistant Treasurer's office in San Francisco, from all sources on this coast, and much more, is disbursed to creditors of the Government on this coast, that the Commissary, Quartermaster, Paymaster, and Navy Departments, on this coast, draw more largely upon the funds of the Federal Government than any other creditors.

That since on or about the first of March, the orders of the Assistant Treasurer have been to stop payment in coin to these departments, as well as to all other creditors of the Government.

Twenty-third—The Committee submit the following statement of payments made by the State Treasurer to the United States Assistant Treasurer, per centage allowed by Government, amount saved by exchange of coin into legal tender notes, and the expenses attending the transaction, which expenses the State Treasurer proposes to deduct from the amount saved the State:

September 30th, (first payment).....	\$63,839 31
Saving in per centage..... 7,093 25	
Saving in coin by exchange 4,486 39	
	11,579 64
February 26th, (second payment).....	\$183,606 10
Saving in coin by exchange 20,500 32	
Total saving in coin on both payments.....	\$24,986 71
Expenses	726 71

Twenty-fourth.—The Committee find that legal tender notes were received by the State Treasurer from the Treasurers of the following counties, and in amounts as follows:

San Francisco, (first payment).....	\$1,570
San Francisco, (second payment).....	4,930
San Francisco, (second payment).....	1,360
Marin	20
Santa Cruz.....	2,700
San Mateo.....	2,745
Humboldt.....	320
Alameda	115
Sacramento.....	580

MINORITY REPORT.

MINORITY REPORT.

MR. SPEAKER:—The undersigned, members of the Committee appointed to investigate the conduct of the State Controller and State Treasurer, in the matter of the payment of California's quota of the Federal direct tax, and the circumstances connected with the said transaction, have had the same under consideration, and beg leave to report that they find the following facts:

First—That some time in June, eighteen hundred and sixty-two, Treasurer Ashley first conceived the idea of making an exchange of the coin which should come into his hands, belonging to the Federal Direct Tax Fund, into United States legal tender notes, as appears in the following quotation from his testimony before the committee:

“The first idea that I had of California paying her quota of the direct tax otherwise than in coin, or other money than that received by the State, was about June, eighteen hundred and sixty-two, when, in conversation with Governor Stanford, we mutually discussed the propriety of offsetting California's claim for Indian war debt, against the portion of direct tax due from California.”

That on the first of September, eighteen hundred and sixty-two, there was in the Federal Direct Tax Fund, in said Treasurer's office, the sum of seventy thousand nine hundred and thirty-two dollars and fifty-six cents, (\$70,932 56,) sixty-eight thousand three hundred and sixty-two dollars and fifty-six cents (\$68,262 56) in coin, and the balance, viz: one thousand five hundred and seventy dollars (\$1,570) in legal tender notes, which had been received by the State Treasurer, under advice of the Attorney-General, from certain County Treasurers hereinafter named, and which notes appear to have been received from sales of School and Swamp and Overflowed Lands, etc., and from receipts on Federal poll tax; but concerning the notes on hand at the time of the first exchange, as well as the last, and concerning the sources from whence they were obtained, and the proportion received by County Treasurers for Federal tax, your committee have no other information except the testimony of Treasurer Ashley, as said notes were received by him simply as money, and no distinction made between entries of payments in coin and in notes, and no record of any nature has been kept in his office showing that any pay-

ments have ever been made by any one in Treasury notes. Deducting from the seventy thousand nine hundred and thirty-two dollars and fifty-six cents (\$70,932 56) the per centage allowed to the State by the Federal Government, left sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents (\$63,839 51) to be paid to the Assistant Treasurer of the United States. On the said first of September, the State Treasurer addressed a letter to the Assistant Treasurer, informing him of the amount on hand belonging to the Federal Direct Tax Fund, and his readiness to pay the same at his office in Sacramento, and received an answer from the Assistant Treasurer, on the sixth of September, declining to come to Sacramento for the money, on the ground that he was not authorized to receive money at any other place than his office, and suggesting that as the Act of the Legislature required the money to be paid at San Francisco, the expense of transportation would be paid by the State.

On the eighth of September, the State Treasurer informed the Controller of the amount on hand in the Federal Direct Tax Fund, and advised him that the law required payment to be made on warrants drawn by the Controller. On the ninth of September, the Controller replied, advising the Treasurer to retain the amount on hand until the November settlements with the County Treasurers should enable him to make the entire payment of, say, two hundred and fifty-four thousand dollars, (\$254,000.) and then to make it in Treasury notes, for the benefit of the State. The Controller had, prior to this communication, and after, on several occasions, with the Treasurer, urged this course.

On or about the middle of September, Treasurer Ashley, being in San Francisco, (without asking the opinion of the Attorney-General concerning the matter,) employed the law firm of Patterson & Stow, at a stipulated fee of five hundred dollars (\$500), to give him their opinion as to the legality of exchanging coin into legal tender notes, and making payment of the same to the Government for California's quota of the Federal direct tax. To which they gave a favorable opinion. About the same time, he (Ashley) proposed to I. & S. Wormser, to let them furnish him with the notes to make the first payment. They accepted, agreeing to furnish the notes at ninety-two and four fifths (92 4-5) cents on the dollar. The market price for notes appears at that time, from testimony before the committee, to have varied, in proportion to amounts desired and urgency of demand, from eighty-eight to ninety-four (88 to 94) cents. Treasurer Ashley made this agreement with the Wormsers without having sought to make any arrangements with any other brokers to supply him with the notes needed, for the reason, as he states, that he did not wish to make the fact of the proposed exchange known, lest it should disadvantageously effect the market and he not be able to obtain the notes on such favorable terms.

Ashley, having made his arrangements to procure notes, returned to Sacramento. Thereupon, viz: on the twenty-second of September, Controller Warren, without having submitted the claim of the Federal Government upon this State for this tax assumed by the State, to the Board of Examiners, and without any communication, verbal or written, with the Assistant Treasurer, or having received any demand or request for such warrant, and without the knowledge of said Assistant Treasurer, and according to his testimony before the committee, of his own suggestion, drew his warrant upon the State Treasurer, in words and figures as follows:

SEAT OF GOVERNMENT, CONTROLLER'S OFFICE, }
California, September 22d, 1862. }

[\$63,839 31.]

The Treasurer of State will pay, out of the Federal Tax Fund, to the order of D. R. Ashley, for Assistant Treasurer U. S., San Francisco, sixty-three thousand eight hundred and thirty-nine 31-100 dollars. Kind of service—State's quota (portion of) direct tax due U. S. Liability accrued—September 22d, 1862.

No. 210.

G. R. WARREN,
Controller.

He delivered the same to Ashley, who, a day or two thereafter, in company with said Controller, took the money from the vaults in the Treasurer's office, and started to San Francisco. Arriving at said city, the money was taken to the Russ House, and deposited over night in the safe belonging to the house. In the morning, Ashley delivered the money to W. W. Stow, of the firm before mentioned—taking no receipt or security from Stow for the money, nor making any agreement in writing, or verbal in the presence of witnesses, concerning the nature of the trust confided to Stow—to keep possession of the money and pay it out to Wormser as fast as he (Wormser) should procure legal tender notes.

Ashley, having delivered the money to Stow, returned to Sacramento, and Stow took about fifty-eight thousand dollars, (\$58,000,) belonging to the State, and deposited it in the bank of Donohoe, Ralston & Co., explaining to them at the time he made such deposit the purposes for which it was to be used, to his own credit, where it remained, say, about four or five days, until paid out, through checks drawn by Stow from time to time, as the Wormsers bought notes and delivered them. Ashley returned to San Francisco on the twenty-eighth or twenty-ninth of September, took the notes which Stow had purchased, and obtained others from Wormser, in person, and on the thirtieth of September, in company with Stow, went to Assistant Treasurer's office and made the tender alluded to in his annual report, the particulars of which are not pertinent to this investigation. The notes were refused by the United States Assistant Treasurer until such time as he should receive instructions of the Secretary of the Treasury, Mr. Chase. Ashley, leaving the notes in Stow's care, returned to Sacramento. Sometime after, viz: on the sixth of October, Mr. Cheesman informed the State Treasurer that he was ready to receive the payment, and accordingly, on the eighth of October, the notes were received by the United States Assistant Treasurer in part payment of California's quota of Federal direct tax.

The amount saved in coin on this transaction was four thousand four hundred and eighty-six dollars and thirty-nine cents (\$4,486 39.)

Immediately after this payment, the State Treasurer began to make his arrangements to procure legal tender notes to pay the remainder of the Federal tax assumed by California, and on the eleventh or twelfth of October, made a verbal agreement with W. W. Stow, by the terms of which Stow was to furnish Ashley the notes he needed to make the last payment, viz: one hundred and seventy thousand eight hundred and thirty-six dollars, (\$170,836,) at eighty-eight (88) cents on the dollar; he (Stow) having informed Ashley, by letter, previously, that he had made inquiry and could not obtain the notes at less than ninety (90) cents on the dol-

lar. It appears that the County Treasurers did not make their settlements in November, as expected, and a special settlement with them was called for December, when the amount due on California's quota of direct tax was paid in, and accordingly, on December twenty-seventh, the Controller drew his warrant in favor of "D. R. Ashley, for Assistant Treasurer of United States at San Francisco," for balance remaining unpaid, viz: one hundred and eighty-three thousand six hundred and six dollars and ten cents, (\$183,606 10,) which amount was drawn from the State Treasury by D. R. Ashley, as follows: twelve thousand seven hundred and seventy dollars (\$12,770) in legal tender notes, and one hundred and seventy thousand eight hundred and thirty-six dollars and ten cents (\$170,836 10) in coin, the legal tender notes having been paid in, as before explained, since first payment.

The State Treasurer then took the money to San Francisco, through Wells, Fargo & Co., and on the second of January paid to W. W. Stow one hundred and fifty thousand three hundred and thirty-five dollars and sixty-eight cents (150,335 68) in coin, for one hundred and seventy thousand eight hundred and thirty-six dollars (170,836) in legal tender notes. The money was delivered to Stow, by Ashley, at the office of Wells, Fargo & Co., in San Francisco, and by him taken, unaccompanied by the State Treasurer, to the counting room of William T. Coleman & Co., he procuring from them one hundred thousand dollars (\$100,000) in legal tender notes, and afterwards procuring from the Wormsers the balance. On January second, the State Treasurer tendered to Assistant Treasurer of the United States, at San Francisco, the sum of one hundred and eighty-three thousand six hundred and six dollars (183,606) in legal tender notes, and ten cents in coin, in full payment of California's quota of Federal direct tax. The Assistant Treasurer refused to receive the money that day, and told him to call the next day. January third, payment was again tendered. The Assistant Treasurer refused to receive the notes, stating that he would await the action of the Legislature in the matter.

The State Treasurer then deposited them with W. W. Stow, to await further action of the Assistant Treasurer of the United States.

On the twenty-fourth of February the Assistant Treasurer addressed a communication to the State Treasurer, stating he would receive payment of direct tax as tendered on the second and third of January, and on the twenty-sixth of February the State Treasurer made payment to the Assistant Treasurer in the same currency as he had made the tender on the second and third of January, and received a receipt from the Assistant Treasurer in full, for California's quota of Federal direct tax.

The Committee find that the Controller presented to the Board of Examiners, at their meeting on or about the fifteenth of October, the full account of the United States against the State of California, for liability assumed by her in payment of her quota of Federal direct tax, viz: the two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-six cents, (254,538 66,) including the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, (\$63,839 31,) for which the warrant had been already drawn by the Controller, and which had been paid without auditing.

The Board ordered the account divided, so as to present for separate action the account which had been paid, and the one hundred and ninety-thousand six hundred and ninety-nine dollars and thirty-five cents (190,699 35) remaining unpaid. On the thirty-first of October, the divided accounts came before the Board. They refused to audit and

allow the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, (63,839 31,) F. M. Pixley, Attorney-General, alone signing the certificate, and audited and allowed the one hundred and ninety thousand six hundred and ninety-nine dollars and thirty-five cents (190,699 35) remaining unpaid, quoting the law in the certificate, to call the attention of the Controller to the fact that the warrant should be drawn "payable to the United States Assistant Treasurer, at San Francisco."

There was no evidence submitted to your committee warranting them to the conclusion that either Treasurer Ashley, or Controller Warren, derived any pecuniary benefit in the transaction.

The Committee find that W. W. Stow purchased, at eighty-five (85) cents, the notes furnished by him to Ashley at eighty-eight (88) cents, and that he gained by the transaction the sum of four thousand five hundred and ten dollars, (\$4,510.)

As to the profit of the Wormsers, the committee could not find the exact amount, but that it was, in the aggregate, a considerable sum.

The committee find, from the testimony of E. W. Bourne, that an amount equal to all receipts of money at the Assistant Treasurer's office in San Francisco, from all sources on this coast, and much more, are disbursed to creditors of the Government on this coast; that the Commissary's, Quartermaster's, Paymaster's, and Navy Departments, on this coast, draw more largely upon the funds of the Federal Government than any other creditors; that since on or about the first of March, the orders of the Assistant Treasurer have been to stop payments in coin to these Departments, as well as to all other creditors of the Government; that besides the injustice done to all creditors of the Government on this coast, growing out of the depreciated value of the currency paid in by the State of California, it has worked another evil, in that it has very much embarrassed the disbursements, particularly in the case of payments to volunteers in the service of the United States, for the reason that most of the notes were of such large denomination that they could not be used by Paymasters, there being about one hundred and twenty thousand dollars (\$120,000) in one thousand dollar notes.

The committee submit the following statement of payments made by State Treasurer to United States Assistant Treasurer, per centage allowed by Government, amount saved by exchange of coin into legal tender notes, and the expenses attending the transaction, which the State Treasurer proposes to deduct from the amount saved the State :

First payment, September 30th	\$63,839 31
Saving in per centage.....	\$7,093 25
Saving in coin by exchange	4,486 39
	<hr/> 11,579 64
Second payment, February 26th.....	\$183,606 10
Saving in coin by exchange	20,500 32
	<hr/>
Total saving in coin	\$24,986 71
Expenses	726 71

Statement of County Treasurers from whom legal tender notes were received :

San Francisco, (first payment).....	\$1,570
San Francisco, (second payment).....	4,930
San Francisco, (second payment).....	1,360
Marin.....	20
Santa Cruz.....	2,700
San Mateo.....	2,745
Humboldt.....	320
Alameda.....	115
Sacramento.....	580

Your committee find the further fact, that Treasurer Ashley did not consult the Attorney-General as to the right or propriety of exchanging the coin into legal tender notes.

Your committee find the law applicable to the foregoing facts as follows :

First—The Act in relation to the payment of California's quota of Federal tax requires that the money shall be paid over to the Assistant United States Treasurer on the *first Monday in each month*. This was not done. (See law on question ; section 10.)

Second—The Controller is required to draw his warrant for that purpose in favor of the Assistant Treasurer of United States. (See section 10, same Act.)

On this point see, also, section 9, page 96, Wood's Digest, as follows : "Whenever any person is entitled to draw or to receive any money from the Treasury, the Controller shall draw a warrant in his favor on the Treasurer, and deliver the same to the person entitled thereto, taking his receipt for the same," etc., etc.

Third—All claims, except salaries of officers, must be passed upon by Board of Examiners, before drawing of warrants. (See section 5, Wood's Digest, page 1168.)

The first claim, (\$63,000,) was never passed upon by Board of Examiners. The last payment, (\$183,000,) was passed upon by Board of Examiners, sixteenth of October, eighteen hundred and sixty-two, (and audited in favor of Assistant Treasurer United States.)

Fourth—The Treasurer is required to keep the money in his possession, and he is *forbidden using* the moneys belonging to this State in any manner. (See Wood's Digest, page 710, section 1.)

Your committee find the law applicable to these facts as follows :

"An Act to provide revenue from imports to pay interest on the public debt, and for other purposes."

Section 8 provides that a direct tax of twenty millions shall be levied on the States and Territories, and that California's quota shall be two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-six and two thirds cents, (\$254,538 66 $\frac{2}{3}$.)

Then follows a system of collection.

Section 53 provides, among other things, that any State or Territory, and the District of Columbia, may lawfully assume, assess, collect, and pay

into the Treasury of the United States, the direct tax, or its quota thereof, imposed by this Act upon the State, Territory, or District of Columbia, in its own way and manner, by and through its own officers, Assessors, and Collectors.

A summary of the facts not warranted by law, in the opinion of your committee, is as follows :

As to the acts of State Controller :

First—Drawing the warrants in favor of D. R. Ashley, for Assistant Treasurer at San Francisco, instead of in favor of the Assistant Treasurer directly.

Second—Drawing the first warrant without submitting the act to the Board of Examiners, for their approval ; and drawing the second warrant in disregard of the certificate of approval of the Board, directing in whose favor it should be drawn.

As to the State Treasurer :

First—Consulting other legal advisers, as to the exchange proposed, other than the Attorney-General—his legal adviser by law.

Second—Failure to pay over to the Assistant Treasurer the money in the Federal Tax Fund, on the first Monday in each month, as required by law.

Third—Making exchange of public moneys in his possession into other currency forbidden by law.

Fourth—Placing public moneys out of his possession into the hands of other parties, without authority of law.

The committee cannot close their report without expressing their mortification at the humiliating position in which the State of California has been placed by the unwarranted acts of the Controller of State and State Treasurer. The few thousand dollars saved by this transaction is a poor recompense for the disgrace brought upon the loyalty and good faith of the State by the exchange, and payment of legal tender notes forced upon the Agents of the General Government. That the State of California should undertake to speculate in the depreciated currency of a Government which has been so generous towards us, and so careful of all our interests, is shame enough ; but that she should take advantage of a debt to that Government, out of which to make her petty speculation, is indeed humiliating. If the State had not assumed the debt, the citizens of California would have paid the Federal Government, as they did the State, in hard coin. It may have been economical, and perhaps it may have worked no great injury to the Federal Government ; but in our opinion it was beneath the dignity of the State, and a misrepresentation of the liberality and patriotism of her citizens.

Nor can the committee close their eyes to the viciousness of the precedent which this exchange of currency has established. This Legislature have thought it wise to pass a law guarding by severe penalties against the recurrence of such a transaction by any State, county, or municipal officer ; and although that law can have no retroactive effect, yet, in the principle declared, and the necessity which compelled its passage, the action of the State Treasurer, in changing coin in his possession into other currency, is by that law condemned in the most solemn manner.

Your committee herewith submit the evidence taken before them in said investigation, together with the following resolution :

Resolved, That G. R. Warren, State Controller, and D. R. Ashley, State Treasurer, the first, in drawing Warrants Nos. 210 and 735, and the latter, in exchanging coin into legal tender notes, to make payment of California's quota of the Federal direct tax, transcended the limits of their authority, and disregarded the plain letter of the law.

J. W. OWEN,
SMITH of Butte.





REPORT OF TESTIMONY

BEFORE

The Special Committee of the Assembly,

APPOINTED TO INQUIRE INTO THE CONDUCT OF THE

STATE CONTROLLER AND STATE TREASURER,

IN CONNECTION WITH THE PAYMENT IN LEGAL TENDER NOTES OF CALIFORNIA'S QUOTA OF THE FEDERAL DIRECT TAX.

.....
BENJ. P. AVERY.....STATE PRINTER.

TESTIMONY.

TESTIMONY OF SIMON WORMSER.

Simon Wormser, sworn and examined.

Question.—Prior to September thirtieth, eighteen hundred and sixty-two, did you have a conference with the State Treasurer, Mr. Ashley, and State Controller, Mr. Warren, or with either of them, concerning the exchange of any portion of the funds in the hands of the State Treasurer, belonging to the Federal Government, for United States Legal Tender Notes?

Answer.—I believe that it was towards the end of September, Mr. Ashley was down in San Francisco, and said that he might use fifty or sixty thousand dollars of Greenbacks, or Treasury Notes, as they are called, and if I could furnish them as cheap as he could buy them in the market, I might furnish them to him. He said that he was not quite prepared yet, as the warrant was not drawn, but that he would let me know in a day or two. We agreed upon the price at which I was to furnish them, with the understanding that he would not advance me a cent until I should furnish him the full amount, and also that I should lay out the money to purchase them with. This was the twenty-ninth or thirtieth of September, eighteen hundred and sixty-two. In pursuance with our agreement, I furnished him sixty-two thousand dollars at the rate of ninety-two and four fifth cents, and I had a little balance of two hundred and sixty dollars to make up the full amount at ninety-two cents.

Q.—Please state of whom you procured those Legal Tender Notes?

A.—I bought them wherever I could get hold of them. I got some of them of Seligman & Co., San Francisco. We had to take a good many of them in the way of trade. We are connected with William Meyer & Co., and took many in that way. I cannot recollect how many I got of Seligman & Co.

Q.—State, as near as you can, of whom you procured the Legal Tender Notes that you furnished Mr. Ashley, the State Treasurer?

[Mr. Ashley here objects to the testimony from the witness, concerning his (witness's) private transactions with third parties, to which he (Ashley) was not a party, and of which he had no knowledge. Objection overruled by a vote of the Committee, and witness ordered to answer.]

A.—I bought the notes in the market of San Francisco, of various parties, and I would be unable to mention every one. Some of them we took in the way of trade; some of them I borrowed temporarily.

Q.—Will you state any outside party of whom you bought a large amount?

A.—I bought some of Castle Brothers. About one thousand dollars.

Q.—Will your books not show of whom you purchased these notes?

A.—I have no record of the parties of whom I purchased.

Q.—Have you a record of the amounts you purchased or borrowed?

A.—I have only a memorandum.

Q.—If you have a record of the amounts you purchased or borrowed, in what form did you enter them?

A.—Don't enter them at all. They appear as so much cash.

Q.—Did you not, at the time, make a general record of the transaction of the purchase and delivery of sixty thousand dollars Treasury Notes to Mr. Ashley?

A.—No, Sir. All I have is a pencil note in a memorandum book.

Q.—Does not that pencil note or memorandum book show an exhibit of the several amounts purchased, and of the parties from whom said Treasury Notes were purchased or received?

A.—No.

[Witness here says he wishes to explain in regard to his first answer: I was mistaken in my first answer. I got some large amount by delivering some ten or twenty thousand dollars, in Treasury Notes, to Mr. W. W. Stow, of San Francisco, for Mr. Ashley, only one or two days prior to the thirtieth of September, from whom I received the money.]

Q.—Do you know that that was for Mr. Ashley?

A.—Yes.

Q.—State whether or not during this transaction Mr. Ashley was in San Francisco?

A.—Mr. Ashley was down when he first gave me the order to buy, from the middle towards the latter end of September, and also one of the last days of September, when I delivered him the whole amount.

Q.—Will you state, as near as you can recollect, the substance of the conversation which occurred between you and Mr. Ashley when the purchase of these notes was first talked about?

A.—Mr. Ashley stated that he needed a large amount of Treasury Notes, and must have them not later than the end of September, in order to save the State ten per cent. I believe Mr. Ashley also stated that the State would be as much gainer as the difference between the notes and the gold, and he wanted to get them as cheap as possible. We then agreed upon the price, and we settled it at once.

Q.—Is that all the conversation you had with Mr. Ashley on this subject?

A.—That is all that I remember particularly. I bought some of William T. Coleman & Co., Scellier Brothers, Stephen Whipple, F. H. Woods, John Perry, Jr., and various other parties.

Q.—State between what dates in September these Legal Tender Notes were procured by you?

A.—Some we had on hand, and the balance, between the middle and last day of September.

Q.—Can you state at what date you bought the greater amount of the sixty-two thousand dollars?

A.—It must have been in the latter part of September.

Q.—State about the average price you paid for the Greenbacks used?

A.—I bought the greatest part of them at ninety-one cents, and I also wish to state that at some houses I could not purchase at less than ninety-three cents, or even at that, and mention such houses, who receive a great many of them in payment of freight on clippers, and in trade. I refer to Ross, Dempster & Company, Keller Brothers, and others. The latter house asked me from ninety-four to ninety-five cents.

Q.—Was there anything said, at the time of the conversation with Mr. Ashley, about the probable rise or fall in the value of these notes?

A.—I don't believe that question was touched, as the time to furnish them was so limited. I might have suggested that if I had more time I could procure them at a lower price.

Q.—Did you have any conversation with other parties about this transaction at this time?

A.—I don't recollect.

Q.—Did you have any conversation with Mr. Warren, State Controller?

A.—I don't recollect of having any.

Q.—Can't you recollect?

A.—I had no conversation with Mr. Warren, to my recollection—that is, prior to the thirtieth of September.

Q.—At what period of time did you first enter upon this negotiation with Mr. Ashley?

A.—At about the middle of September, in San Francisco. I was going up and down, and it might have been talked of here.

Q.—At any time since September thirtieth, eighteen hundred and sixty-two, have you had any negotiation with Mr. Ashley, the State Treasurer, concerning the exchange of any portion of the money in his hands belonging to California's quota of the Federal direct tax, for United States Legal Tender Notes. If so, when, and where, and to what amount?

A.—In the latter part of December, possibly the first of January, we furnished W. W. Stow the sum of about seventy thousand eight hundred dollars, which I supposed was for the payment of said tax, at the rate of eighty-five cents.

Q.—When and where did you enter into negotiation with Mr. Ashley for this last transaction?

A.—In the intervening time between first and second payment of the Federal tax, I had occasional conversations with Mr. Ashley, that if the second payment should be made in Greenbacks we could procure them at a lower rate if we had full time given us; but Mr. Ashley said he could do nothing till the full tax had been paid in and the warrant drawn. In the last few days of December he referred me to Mr. Stow, to furnish him (Stow) so many of these notes as we had on hand or could procure. Mr. Stow then gave us a check for the whole amount which I have before stated I furnished him.

Q.—State whether or not you procured and delivered to Mr. Ashley, in person, any Treasury Notes on the last payment?

A.—I did not.

Q.—Was the seventy thousand eight hundred dollars the whole amount you purchased?

A.—It was.

Q.—State, if you please, the rate at which you purchased these seventy thousand dollar notes?

A.—I paid not less than eighty-three and a half cents; some at eighty-

four cents; and it must not be forgotten, if you want to establish the price, that some of them we had on hand some time, and that we had to make all advances for the whole amount; consequently, being kept out of the use of the money some time.

Q.—Of what denomination were the notes?

A.—They were from five dollars to one thousand dollars.

Q.—What proportion were the one thousand dollar notes?

A.—I don't believe there were over six or eight one thousand dollar notes?

Q.—State the substance, or as near as you can, of the conversation between you and Mr. Ashley concerning the last transaction of the purchase and delivery of Legal Tender Notes?

A.—Recommended that plenty of time be allowed to purchase the notes.

Q.—Did Mr. Ashley come to you and request you to enter into the market and procure this amount of notes for the payment of this tax?

A.—As I stated before, I had several conversations with Mr. Ashley prior to the second settlement, and he invariably told me that he would make no arrangement with me till all the money was paid in and ready for settlement, and if he then concluded to make the settlement, I might furnish such amount of notes as I had on hand, but I must not enter the market and buy any on that account.

Q.—Did he ever make application to you, personally, that you should procure and deliver to or for him the amount of seventy thousand dollars, or any other amount, to apply on the last payment?

A.—When I heard the second settlement was to be made, and I met, in the latter part of December, Mr. Ashley in San Francisco, I told him that I had partly in my possession or under my control the above amount, about seventy thousand dollars, and he told me, or rather referred me to Mr. Stow, saying that Mr. Stow would probably take them, and Mr. Stow did take them at the rate mentioned—eighty-five cents.

Q.—State whether or not, in the month of August or September, eighteen hundred and sixty-two, in the City of Sacramento, at a house on Sixth street, you had any interview with either Mr. Ashley, State Treasurer, or Mr. Warren, State Controller, concerning the purchase and delivery of Legal Tender Notes to them, or either of them, for the purpose of exchange for coin?

A.—No; I never had any.

Q.—State whether or not you ever had any understanding or arrangement, made or to be made, with any person, directly or indirectly, for the benefit of the State Treasurer, Mr. Ashley, or the State Controller, Mr. Warren, to divide any portion of the profits that you made, or might make, in the procurement of Legal Tender Notes for the State Treasurer, Mr. Ashley?

A.—I say, emphatically, no. In talking about the newspaper criticism, Mr. Ashley always stated to me that he wanted the State to make all it could, and that whatever he did was for the benefit of the State.

CROSS EXAMINED BY D. R. ASHLEY.

Q.—State whether the State Treasurer had any implication or connection with, or knowledge of the purchase by you made of third parties of the notes you afterwards delivered to him?

A.—None whatever; no.

Q.—State your opinion as to the fairness of the price of exchange

agreed upon by you and the State Treasurer at the time the arrangement was made?

A.—I believe that the State Treasurer obtained those notes through us at the market rate, and at a great deal less than if he had gone into the market alone, or had the fact been known that such a large amount was required as was purchased, as often the mere demand of twenty thousand dollars creates a rise of from five to ten per cent, as has happened within the last few days. Had it been known at the time, that he required the notes, it would have created an advance certainly of from two to three per cent.

S. WORMSER.

Sworn and subscribed to before me, this sixth day of March, eighteen hundred and sixty-three.

J. W. OWEN, Chairman.

TESTIMONY OF R. B. BELL.

R. B. Bell, sworn and examined.

Question.—Were you ever engaged in the Treasurer's office of this State as Clerk?

Answer.—From the eighth of March until the eighteenth of December, eighteen hundred and sixty-two, I was a regular Clerk there.

Q.—Do you know anything about the removal from the State Treasurer's office, in the month of September last, of California's quota of the direct tax?

A.—I don't recollect the precise date. I think it was the twenty-ninth of September, that what I understood to be the sixty-three thousand odd dollars, was taken from the Treasury, by the Treasurer and Controller, in three carpet sacks and a valise. I helped them pack the money in the carpet sack, and carry it to the carriage.

Q.—At that time do you recollect of having seen in the Treasurer's office a warrant for that amount of money?

A.—I think I saw, the same morning, on a spindle in the office, a warrant for the amount of the Federal tax; at least, I supposed it to be so, as it was about the amount then in the Fund.

Q.—When did you first see that warrant?

A.—I saw it the same day the money was taken away.

Q.—Did you notice in whose favor the warrant was drawn?

A.—I saw the name of D. R. Ashley in it.

Q.—State whether it was drawn in his favor or not?

A.—It read, "to pay D. R. Ashley;" I did not examine it particularly.

Q.—Did you notice the warrant sufficiently to know whether this language was used: "to D. R. Ashley, for D. W. Cheesman, Assistant Treasurer of United States?"

A.—I did not; it might have been there, or it might not. My observation was merely casual.

Q.—Did you know anything concerning the exchange, on the part of the Treasurer, or any other party, of Federal direct tax into Legal Tender Notes?

A.—I do not.

Q.—Have you stated all you know concerning the removal of the money from the Treasurer's office?

A.—I have.

Q.—Did you know that said removal was to be made, before it was made?

A.—I did not.

R. B. BELL.

Sworn and subscribed to before me, this tenth day of March, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF LELAND STANFORD.

Leland Stanford, sworn and examined.

Question.—I believe you are a member of the Board of Examiners?

Answer.—I am.

Q.—State whether or not any warrant, drawn by the State Controller, Mr. Warren, for the delivery or payment of any portion of California's quota of the Federal direct tax, to D. W. Cheesman, Assistant Treasurer of the United States, was ever presented to the Board of Examiners for the auditing or approval thereof?

A.—No warrant is ever presented to the Board of Examiners. The accounts against the State are presented and examined, and then reported on by the Board. The first portion of that quota did not come before the Board. Subsequently, the account made out by the Controller of the debits of the State to the General Government, whether it was for the whole amount of the State's quota, or for the portion then remaining unpaid, I am in doubt. The account was allowed in favor of the Assistant Treasurer of the United States at San Francisco, and record of such allowance may be found in the Controller's office.

Q.—Are there any other facts in connection with this transaction that you can speak of to your own knowledge?

A.—Nothing but what you are aware of.

Q.—You allude to the conversion of coin into Legal Tender Notes?

A.—I had an interview with the State Controller, Mr. Warren, and stated I thought the whole thing was irregular.

Q.—Was it after or prior to that conversation that the account was brought before the Board for allowance?

A.—It was after.

Q.—Did you see the warrant drawn?

A.—No.

Q.—Did you say there were two accounts presented to the Board, or one only?

A.—There was no account presented till after the sixty-three thousand dollars was paid. Sometime afterwards there was an account presented

by the Controller for the sixty-three thousand dollars, but no action was taken on it at that time, I believe, by the Board, as it had been paid.

LELAND STANFORD.

Sworn and subscribed to before me, this twelfth day of March, eighteen hundred and sixty-three.

J. W. OWEN, Chairman.

TESTIMONY OF HENRY CARLTON, JR.

Henry Carlton, Jr., sworn and examined.

Question.—Please give your name, residence, and occupation?

Answer.—Henry Carlton, Jr.; I reside at San Francisco; occupation, merchant, of the firm of William T. Coleman & Co.

Q.—Do you know Mr. Ashley and Mr. Warren, or either of them?

A.—I only know them by introduction this morning.

Q.—Have you ever, to your knowledge, transacted any business with or for them in respect to the purchase or sale or procuring of any United States Legal Tender Notes, or has your firm, to your knowledge, done so?

A.—No, Sir.

Q.—Do you know the firm, in San Francisco, or any of the members of the firm, of I. & S. Wormser?

A.—I do.

Q.—Did you, sometime during the latter part of last year, sell to that firm, or to any member of it, or procure for them, any Legal Tender Notes?

A.—I sold them some.

Q.—State, to the best of your recollection, the circumstances of the transaction, the amount sold, and the price paid?

A.—We sold Mr. Wormser, I think it was in September, some fourteen thousand dollars in Treasury Notes, at ten per cent discount. He came in and asked us if we had any Legal Tenders, and what we would sell them for. I think that was the only transaction. The fourteen thousand dollars was made in two successive purchases—one day, ten thousand dollars, and the next, four thousand dollars.

Q.—Did you, at any time last fall, or the first part of the present year, or your firm, sell to or procure for Mr. W. W. Stow, of San Francisco, any United States Treasury Notes; if so, state what amount, and under what circumstances?

A.—Yes, Sir. We sold him one hundred thousand dollars' worth, I think, between the second and fourth of January, eighteen hundred and sixty-three. Mr. Stow came in, and wanted to know if we had any Treasury Notes, a few days before he made the purchase, and engaged them in case he should want them. He paid us eighty-five cents.

Q.—Were they imported for that particular purpose?

A.—No, Sir.

Q.—About how long before the final transaction was the order left?

A.—Mr. Stow had been talking with me about a month previously concerning Legal Tender Notes.

Q.—Please state, if you remember, of what denomination these notes were?

A.—About one thousand dollars each.

Q.—Were they received for freight?

A.—No, Sir. We have a house in New York, who were selling drafts on us, payable in paper, (United States notes,) and at times I found it difficult to get the notes to pay the drafts on the arrival of the steamer. I telegraphed our New York house to send me one hundred thousand dollars in notes. They sent me one hundred and fifty thousand dollars through the mail, and out of that amount one hundred and twenty-five thousand dollars was in one thousand dollar bills.

Q.—Do you know whether they were new notes, or had been in use?

A.—I think they were mostly new. I could not use the one thousand dollar notes on account of their size, so I put them in the safe, intending to ship them back, and telegraphed for fifty thousand dollars in small notes.

Q.—Do you know what was the value in the San Francisco market of these notes at the time of these transactions?

A.—They were sold at the market rate. I made other sales to other parties at the same time at the same rates. I presume we have sold more Legal Tender Notes than any other house in the city. We were sellers only of these notes.

EXAMINED BY D. R. ASHLEY.

Q.—Do you know what the brokers' rates were for these notes at the time of the first transaction?

A.—We tried to maintain the same rates as brokers; and I suppose Mr. Wormser would not have purchased of us unless he could have bought them at as low a rate as elsewhere.

HENRY CARLTON, JR.

Sworn and subscribed to before me, this twelfth day of March, eighteen hundred and sixty-three.

J. W. OWEN, Chairman.

TESTIMONY OF C. J. TORBERT.

C. J. Torbert, sworn and examined.

Question.—Are you the Clerk of the Board of Examiners?

Answer.—I am.

Q.—Have you the record of that Board with you?

A.—No, Sir; but I have a memorandum from the books. I think it was about the sixth of October, that Mr. Howison, Controller's Clerk, either sent over or handed to me an account of the State's quota of the direct tax, but I think the account did not contain the amount specified in it, as he did not know the exact amount. The same day, or a day or

two after, he gave me the exact amount, two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-six cents. That came before the Board at their meeting, either on the fifteenth or sixteenth of October, eighteen hundred and sixty-two. In the meantime the Governor had unofficial notice of the first payment having been made. He, or the Board assenting, sent me over to the Controller's office to have two separate accounts made, one for sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, the amount that had been paid, and the other for one hundred and ninety thousand six hundred and ninety-nine dollars and thirty-five cents, remaining unpaid. Mr. Howison saw the Controller, and when I got back the Board had adjourned. Then the two accounts came up before the Board on the thirty-first of October. I then made out two certificates of approval, one for each, and laid them before the Board, for their approval if they thought proper. The Governor then instructed me on the usual blank to quote the law. On the one hundred and ninety thousand six hundred and ninety-nine dollars and thirty-five cents blank for approval, he instructed me to write the following words: "In favor of the Assistant Treasurer of the United States at San Francisco," and so approved it. The other blank for approval of the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, the Governor was opposed to signing, because, if the whole account was then approved, the Controller might draw for the whole, as he had already drawn the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, and the Governor and Secretary of State did not sign it. The Attorney-General signed it.

C. J. TORBERT.

Subscribed and sworn to before me, this thirteenth day of March, eighteen hundred and sixty-three.

J. W. OWEN, Chairman.

TESTIMONY OF F. H. WOODS.

F. H. Woods, sworn and examined.

Question.—Please state your name, occupation, and residence?

Answer.—F. H. Woods; reside in San Francisco; occupation, broker. I have resided here since eighteen hundred and fifty.

Q.—Have you been engaged as a broker in buying and selling United States Treasury Notes, and are you acquainted with the market value of the same during the month of September, eighteen hundred and sixty-two, also January first and second, eighteen hundred and sixty-three?

A.—I have bought and sold them. I am; but my books will show the exact figures, and I would prefer referring to them, to trusting to memory.

[Witness reads from book:]

"January 2d.—Broker's buying prices about eighty-two cents; selling, about eighty-three cents, with a variation, possibly, of half a cent, according to amounts purchased."

September twenty-sixth, my earliest date of record, I paid ninety

cents, and sold at ninety-one cents. This was about the beginning of the regular trade.

Q.—Do you remember of selling any about that time to the firm of I. & S. Wormser, or either of them, and if so, at what rate, and what amount?

A.—I recollect of selling them about that time five thousand dollars, and suppose the rate was about ninety-one cents. There is no record of that exact amount being sold, until the tenth of October, eighteen hundred and sixty-two, and that sale was at the rate of eighty-nine cents. That was the average of sales of the day.

Q.—What would have been the rate, in your judgment as a broker, on the amount of sixty-two thousand dollars, contracted for on the twenty-sixth of September, to be furnished on the thirtieth?

A.—I can't remember how the supply stood on those days. Sometimes the rate might vary from one day to another five or six per cent, if compelled to buy on a certain day. I should say the range would be from ninety-three to ninety-five cents. That, to the best of my recollection and judgment, would have been a fair rate at the time.

Q.—Was there or was there not a current rumor among brokers, that this tax was to be paid in Treasury Notes?

A.—I, myself, at the time I sold Wormser the notes, did not know of such. Had there been such a rumor, it might have put them up from three to five per cent above the current rate that they would otherwise be selling at, which I have stated to be ninety-one cents.

Q.—Did you sell any notes to Mr. Wormser about December thirty-first?

A.—I did, on December thirty-first.

Q.—At what rate and what amount of these notes did you sell him at this time, and did you know for what purpose they were to be used?

A.—I sold him, on the thirty-first of December, about thirty-six thousand dollars, and the rate paid me was eighty-three and a half and eighty-four cents. I also sold him, on the thirtieth, about thirty-one thousand dollars, at eighty-three and a half cents. Yes; he told me for what purpose they were to be used, and that he must have them on the next day, that they were for Mr. Ashley. He told me that he had agreed to furnish Mr. Ashley with a certain amount, and that in case of any failure to supply him, he should have to borrow them in Sacramento, which he had made arrangements to do if so compelled.

Q.—What was a fair selling rate on those days for these notes?

A.—I considered the notes at the rates I sold them to him very low. I gave at least half of them to him for just what they cost me. The usual selling rate on those days was eighty-four cents.

Q.—On a sale of sixty thousand dollars, what would be the usual rate of commission?

A.—I was to buy the notes for Wormser at the lowest market rates, and he was to allow me half per cent brokerage, which was a very fair remuneration for a broker on an order of that amount.

Q.—Have you ever had any communication from Mr. Ashley or Mr. Warren concerning this matter?

A.—Not a word; never.

CROSS EXAMINED BY D. R. ASHLEY.

Q.—What was the selling rate on or about the fifteenth of November, eighteen hundred and sixty-two?

A.—Eighty-four to eighty-five cents. Average, about eighty-four and a half.

Q.—What would have been a fair rate from the tenth to the twelfth of October, eighteen hundred and sixty-two, upon your agreeing to furnish one hundred and sixty thousand dollars to one hundred and eighty thousand dollars of Legal Tender Notes on the fifteenth of November, using for the purchase of the same your own money or credit?

A.—It is a hard question to answer. I have the prices, but it is difficult to recall the circumstances as they were at the time. I should not think it to have been a safe transaction at less than ninety-three cents.

Q.—Was the market at that time (October tenth) declining, with an appearance of continued decline?

A.—The market was falling, but there was, about that time, considerable talk about every person being forced to take them by Government in the usual avocations of trade; the result of which was to keep the market more or less firm.

Q.—Did you ever draw money on United States Warrant from the Assistant Treasurer of the United States at San Francisco? and if so, state at what time, and in what kind of currency the payment was made?

A.—I have not, to my recollection.

F. H. WOODS.

Subscribed and sworn to before me, this sixteenth day of March, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF R. J. STEVENS.

R. J. Stevens, sworn and examined.

R. J. Stevens; thirty-eight years of age; residence in San Francisco; Superintendent of the Mint.

Question.—Are you in the custom of receiving moneys from the Assistant Treasurer's office?

Answer.—I receive nothing myself from there.

Q.—Do you know anything of the mode and manner of making payments from the Assistant Treasurer's office on checks and warrants?

A.—I know, generally, about as the previous witness, Mr. Bourne, has expressed it. I have no connection with that office.

EXAMINED BY D. R. ASHLEY.

Q.—Do you know, at any time, of coin being paid out, at the Assistant Treasurer's office, when notes were on hand, or do you know of any refusal to pay because only coin was on hand, or do you know of any person having, or claiming to have, peculiar facilities for getting payment in coin at that office, over other persons?

A.—I should answer, generally, I don't know. If I or another person about the Mint had a check, I could probably ascertain when they

were or were not paying coin. The words "peculiar facilities" I consider a very ambiguous expression.

Q.—Do you know of any person ever having asked or received a consideration for procuring payment in coin at the Assistant Treasurer's office?

A.—I do not.

ROBERT J. STEVENS.

Subscribed and sworn to before me, this eighteenth day of March, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF ISIDOR WORMSER.

Isidor Wormser, sworn and examined :

Question.—State your occupation?

Answer.—I am a member of the firm of I. & S. Wormser.

Q.—During the months of August or September, eighteen hundred and sixty-two, do you know of any conference between any parties at a building at the corner of J and Eighth streets, Sacramento, concerning the exchange of any portion of California's quota of the Federal direct tax from coin into Legal Tender Notes?

A.—I do not.

Q.—Since that time, up to the first of January, eighteen hundred and sixty-three, do you know of any such conference having taken place at the corner of J and Eighth streets, Sacramento?

A.—I do not.

Q.—Personally for yourself, or on the part of your house, did you ever make any arrangement with Mr. Ashley, State Treasurer, or with any party for him, for the purchase of Legal Tender Notes to be used in the payment of California's quota of the Federal direct tax?

A.—I did not.

Q.—Did you ever have any talk with Mr. Warren, Controller of State, on the subject?

A.—I have not.

Q.—Did you ever have any talk with any person representing himself as in the interest of Mr. Ashley, acting in this matter?

A.—The only talk I ever had was when I once delivered some Legal Tender Notes to W. W. Stow. Late in the month of December, eighteen hundred and sixty-two, my brother was called to Sacramento, and left orders with me to deliver to W. W. Stow seventy thousand dollars in Legal Tender Notes, for which I received my pay from Mr. Stow, at eighty-five cents on the dollar. It was paid by an order from Mr. Stow on William T. Coleman & Company for the amount. No conversation took place during the interview concerning the transfer or the purpose for which they were to be used.

Q.—What amount of Legal Tender Notes did you or your house fur-

nish Mr. Ashley, State Treasurer, or any party for him, to use in the payment of California's quota of the Federal direct tax?

A.—The last amount I paid to Mr. Stow was between seventy thousand dollars and seventy-one thousand dollars, and the settlement made by my brother in the month of September was between sixty thousand dollars and sixty-two thousand dollars.

Q.—Do you know of any arrangement existing between you, your brother, or your house, and Mr. Ashley, State Treasurer, or Mr. Warren, State Controller, by which you were to divide any portion of the profits arising out of the purchase of the Legal Tender Notes delivered by you or your brother to W. W. Stow?

A.—I do not.

Q.—Is there now or was there ever any understanding, implied or otherwise, between you, or your brother, or your firm, and Mr. Ashley or Mr. Warren, by which there is to be any division of the profits made in the transaction of the delivery of Treasury Notes by you or your firm to Mr. Stow?

A.—No, Sir.

Q.—Did you ever have any talk with Mr. Stow in relation to the question of profits arising out of said transaction?

A.—No, Sir.

Q.—Have you ever paid or agreed to pay Mr. Stow, or any other party, for the privilege of making such exchange?

A.—I have not.

Q.—Do you know of your brother ever making any agreement of that kind?

A.—I know he has not.

Q.—Prior to the thirtieth of September, eighteen hundred and sixty-two, did you have any conversation with Mr. Ashley or Mr. Warren, concerning the purchase on your part to be made of Legal Tender Notes, to be used in payment of California's quota of the Federal direct tax?

A.—None that I remember.

Q.—Did you ever have any conversation with either of those gentlemen on this subject?

A.—No, Sir.

ISIDOR WORMSER.

Sworn and subscribed to before me, this day, March twenty-fourth, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF G. R. WARREN.

G. R. Warren, sworn and examined.

Question.—You are Controller of the State of California, I believe?

Answer.—Yes, Sir.

Q.—As said officer, I suppose you keep a record of all warrants drawn by you?

A.—I do.

Q.—Have you a record of the warrants drawn by you for the payment of California's quota of the Federal direct tax?

A.—I have.

Q.—How many warrants did you draw?

A.—Two.

Q.—What date was the first, and for what amount?

A.—My books will show.

Q.—In whose name, and for what amount were they drawn?

A.—My books show a full record, and I prefer to let the committee examine them.

COPY OF CONTROLLER'S RECORD.

Date of warrant, September twenty-second, eighteen hundred and sixty-two.

Number of warrant, Two Hundred and Ten.

Drawn in favor of D. R. Ashley, for the Assistant Treasurer of the United States at San Francisco, for State's quota of direct tax assessed by United States Government.

Date of appropriation, April twelfth, eighteen hundred and sixty-two.

Amount, sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents.

Received for by D. R. Ashley.

SECOND WARRANT.

Date of warrant, December twenty-seventh, eighteen hundred and sixty-two.

Number of warrant, Seven Hundred and Thirty-five.

Drawn same as above.

For same purpose; amount, one hundred and eighty-three thousand six hundred and six dollars and ten cents.

Liability accrued, December twenty-seventh, eighteen hundred and sixty-two.

Received for by D. R. Ashley.

Q.—Were those several warrants drawn and delivered in amounts and dates as exhibited by your record?

A.—Yes, Sir.

Q.—At the time of or before drawing those several warrants, did you have any conversation with State Treasurer Ashley, as to what disposition was to be made of the funds for which said warrants were drawn, particularly as to the exchange of said funds, or its conversion into other kinds of money?

A.—I did have conversations with Mr. Ashley. The general tenor of the conversations was in reference to making a saving to the State by exchanging the gold for Treasury Notes. I might have had a casual conversation with Mr. Ashley, or other gentlemen, but no consultation. There is a written communication from myself to Mr. Ashley, which fully expresses my views as they existed at that time.

Q.—You knew, then, that it was Mr. Ashley's intention to make the exchange for Federal Notes?

A.—I did not *know* it, as he made no answer, either written or verbal, to my communication. I *judged* that he would make the exchange; but at that time he had not informed me that he would do so.

Q.—At the time of issuing the warrants, or either of them, or since, or prior thereto, did you advise Mr. Ashley to exchange California's quota of the Federal direct tax, or any portion thereof, from coin into Legal Tender Notes?

A.—My answer will be found in the written communication I addressed to Mr. Ashley, in reply to a communication from him relating to payment of California's quota of Federal tax, some time in September; but I do not recollect it clearly enough to state the substance of it, but presume Mr. Ashley will submit a copy of it.

Q.—At the time of drawing said warrants, or either of them, for California's quota of the Federal direct tax, did you advise D. W. Cheesman, United States Assistant Treasurer, that said warrants were in readiness for him.

A.—I did not by any direct communication.

Q.—Did you ever advise him that you were in readiness to draw said warrants, or of the time that they were to be drawn, officially, through your office?

A.—I had no direct communication with Mr. Cheesman, either written or verbal, at any time?

Q.—At the time Mr. Ashley went to San Francisco with California's quota of the Federal direct tax, in September and December, eighteen hundred and sixty-two, did you know of his going?

A.—I knew of his going in September.

Q.—How as to December?

A.—In December I did not.

Q.—Were you in San Francisco with Mr. Ashley in September, eighteen hundred and sixty-two?

A.—I went down with him.

Q.—Did you know for what purpose he went, and if so, state it?

A.—He went for the purpose of paying California's quota of the Federal direct tax.

Q.—Did you know at that time it was his purpose to exchange coin for Legal Tender Notes?

A.—I thought it was his intention to do so.

Q.—Do you know with whom he negotiated the exchange, and if so, state who?

A.—I did not know at that time.

Q.—Did you take any part in the negotiation, directly or indirectly, with any person, or for any person, in the exchange of any portion of California's quota of the Federal direct tax from coin into Legal Tender Notes?

A.—I did not.

Q.—At the time you went down with Mr. Ashley, did you know or surmise of his intention to make the exchange?

A.—I thought it was his intention to make the exchange, but did not know it, because I had addressed the communication on this subject, before referred to, to him, and knowing Mr. Ashley as I did, I believed that he would make the exchange.

Q.—Did you consider, as State Controller, this claim of the Federal Government as ordinary claims against the State, to be treated officially by you?

A.—I did not; but considered it an extraordinary claim against the State, for which I was to exercise discretion, as an officer, in drawing the warrants.

Q.—Please state your authority for drawing warrants Numbers Two Hundred and Ten and Seven Hundred and Thirty-Five?

A.—I drew them in compliance with an Act of the Legislature, approved April twelfth, eighteen hundred and sixty-two.

Q.—By whose request, or at whose suggestion, did you draw these warrants?

A.—Not by the request or suggestion of any one.

Q.—Did you ever, directly or indirectly, receive any pecuniary benefit or any share of the profits arising from or growing out of the exchange of any portion of California's quota of the Federal direct tax from coin into Legal Tender Notes?

A.—Not one cent.

Q.—Is there any understanding or agreement, implied or otherwise, between you and Treasurer Ashley, or between you and any other person, that you are to have a share of any of the profits arising out of the aforesaid exchange?

A.—No.

G. R. WARREN.

Sworn and subscribed to before me, this eighteenth day of March, eighteen hundred and sixty-three.

F. F. FARGO,

Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF WILLIAM C. RALSTON.

William C. Ralston, sworn and examined.

I reside in San Francisco; am thirty-seven years of age; by occupation banker.

Question.—Are you acquainted with D. R. Ashley, State Treasurer?

Answer.—Slightly.

Q.—At any time during September, eighteen hundred and sixty-two, did he or any party for him, make application to you or your banking house, for the purchase of Legal Tender Notes?

A.—We never had any talk with Ashley at all; nor with any one particularly, more than asking if an amount could be purchased. We declined any transaction of any kind, and nothing was done.

Q.—Can you name the persons who made the application to you?

A.—There were various persons applied to us.

Q.—Was there any application made to you in September, or since, to purchase Legal Tender Notes for the payment of California's quota of the Federal direct tax?

A.—There was an application made to us to buy Legal Tender Notes; and in general conversation it was stated that perhaps they might be used for that purpose.

Q.—Do you recollect when that application was made?

A.—I do not.

Q.—Can you state by whom it was made?

A.—The one to which I refer was made by W. W. Stow.

Q.—Did Mr. Stow state by whose authority he made the application?

A.—No, Sir.

Q.—Did he state the amount that was wanted?

A.—He stated they might be wanted, or might not, and we declined the transaction in any shape.

Q.—Will you please state the substance of Mr. Stow's application, in detail, and your replies thereto?

A.—The first conversation that I had with him, he desired that an arrangement might be made with us to purchase an amount of Legal Tender Notes, the precise sum of which I don't remember; it was what would be sufficient to pay California's quota of the direct tax—I think one hundred and fifty thousand dollars, or one hundred and sixty thousand dollars—to which we replied that we would consult our partners on the subject, and give an answer. He at the same time stated that he was acting without any authority, as it was very uncertain whether anything would be done in the matter or not; that his object was to know whether he could make any arrangement with us, in the event of any being wanted. We had consultation with our partners, and our decision was, as in all such cases, to have nothing to do with any transactions in Legal Tender Notes. We reported to Mr. Stow the result, and there the conference ended, and we had nothing further to do with the transaction. Don't recollect in what month this occurred.

Q.—Did Mr. Stow, in any such conversation, state the price or at what rate of discount he wished to purchase them?

A.—He said the best price they could be obtained at.

Q.—Did Mr. Stow, in any conversation which he had with you, either directly or otherwise, mention a division of profits to arise out of the speculation?

A.—No, Sir.

Q.—Did any other party make a similar application to you, or to your house?

A.—None that I am aware of.

Q.—Did you or your house furnish any Legal Tender Notes to any party, with the understanding or knowledge that they were to be used for the payment of any portion of California's quota of the Federal direct tax?

A.—No, Sir; we never dealt in them in any shape.

W. C. RALSTON.

Sworn and subscribed to before me, this nineteenth day of March, eighteen hundred and sixty-three.

F. F. FARGO,

Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF J. A. DONOHUE.

J. A. Donohue, sworn and examined.

I am a member of the firm of Donohue, Ralston & Co.

Question.—Please state whether any person ever made application to

you, personally, for the purpose of procuring Legal Tender Notes to meet the payment of any portion of California's quota of the direct tax, and if any, who?

Answer.—No one.

Q.—Have you any knowledge of the transaction, further than that detailed by your partner, Mr. Ralston?

A.—I have not.

Q.—Did you ever have any conversation with Mr. Ashley, State Treasurer, or Mr. Warren, State Controller, in reference to the mode and manner of the payment of California's quota of the direct tax?

A.—I never had, Sir.

J. A. DONOHOE.

Subscribed and sworn to before me, this nineteenth day of March, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF W. W. STOW.

W. W. Stow, sworn and examined.

Question.—I believe you are a practising lawyer of the firm of Patterson & Stow?

Answer.—I am.

Q.—Did Mr. Ashley, State Treasurer, and Mr. Warren, State Controller, or either of them, ever make application to you for Legal Tender Notes, to be used in the payment of California's quota of direct tax and if so, state by whom, and when, and where?

A.—Mr. Ashley consulted our firm in relation to his right to make the payment mentioned in Legal Tender Notes, some time in September, I think about the twentieth, or a few days before the first payment was made. Mr. Patterson and myself carefully examined the question advised him that he had the right, and I accompanied Mr. Ashley, at the time the payment was made, and was present when the tender was made and at the conversation which took place between Mr. Ashley and Mr. Cheesman with reference to the payment, and with reference to the form of the receipt. I have no recollection of having had any conversation with the Controller on the subject, except that we had advised Mr. Ashley to make the payment as he did make it.

Q.—Prior or subsequent to the consultation above referred to, between the firm of Patterson & Stow and Mr. Ashley, did you not have personal conference with Mr. Ashley as to the mode or manner of procuring the necessary Legal Tender Notes with which to make the payment of California's quota of direct tax; and if so, state when and where, and the substance of such conference, particularly as to the first payment of sixty-three thousand dollars.

A.—After it was determined to make the payment in Legal Tender Notes, I advised Mr. Ashley to make an arrangement with some one broker for the purchase of the notes, because, if it was understood that

there was a demand for that amount of notes, it would be likely to put the market price up. Whatever conversation was had upon this subject, was had at my office. I am not able to say whether Mr. Patterson was present at this branch of the conversation, or not.

Q.—Concerning the last payment made by the Treasurer, of California's quota of direct tax, and in relation thereto, did you not have personal conference with Mr. Ashley, concerning the parties of whom purchase could be made of the amount of Legal Tender Notes necessary to meet that payment, and of the rates of discount at which they could be procured? If any such conversation took place, state when and where, and in detail, as near as you can recollect?

A.—After the first payment had been accepted by Mr. Cheesman, Mr. Ashley and myself had conversations at my office in respect to the making of the next payment. It was deemed advisable by him to contract, if possible, for the notes with which to make the second payment. I attempted to make an arrangement for the purchase of such an amount of notes as he would require, with different parties in San Francisco, viz: John Sime & Company, who offered to contract at ninety-two cents; Louis McLane, who offered to contract at ninety-one cents; Donohoe, Ralston & Company, who refused to deal in them at all; and with Henry Carleton, Jr., of the firm of William T. Coleman & Company, who offered to contract at eighty-nine or ninety cents, I don't recollect which. None of the parties named, I should say, in justice to them, deal in Treasury Notes, except Mr. Carleton, who receives them in the course of his business. While these negotiations were pending with these various persons, Mr. Ashley was at Sacramento, and I informed him by letter of the result of the negotiations. I think all this took place early in October. The first time, after my writing to Mr. Ashley, as before stated, that he was in San Francisco, I reported to him, verbally, the result of my treating with these persons, and proposed to him that I would furnish the necessary amount of notes at eighty-eight cents, which proposition was accepted by him. I do not now recollect of any further conversations between Mr. Ashley and myself upon the subject, except such as related to the time when the notes would be required, which was supposed to be about the twentieth of November; at all events, it was when the money would be paid in by the County Treasurers. I did furnish him such amount as he required at that figure. The amount fell short of what it was supposed would be required; some payments having been made to him, as he informed me, as Treasurer, in Legal Tender Notes.

Q.—At what time did you furnish Mr. Ashley the notes spoken of, and please state the amount?

A.—I cannot give you the day and exact amount, without looking at my books; but I think they were furnished the second day of January, eighteen hundred and sixty-three, and the amount, as near as I recollect it, was one hundred and seventy thousand dollars.

Q.—To whom did you deliver said Treasury Notes?

A.—To Mr. Ashley.

Q.—Have you stated all the conversation you had with Mr. Ashley concerning the rates of discount at which said notes were to be purchased?

A.—Probably not. In my answer to the former question I only aimed at the results of the conversation, rather than at the conversation in detail.

Q.—If you have not stated all, please state any other or further con-

versation you had with Mr. Ashley concerning the rates of discount at which said notes were to be procured, or concerning the profits arising out of the exchange of coin into Legal Tender Notes?

A.—In respect to the profits arising out of the transaction, whatever margin there should be above their cost and the expenses attending the transaction was to inure, as Mr. Ashley invariably stated, to the benefit of the State. Conversations were had between Mr. Ashley and myself upon this point, as to both the first and second payments, and when we went to make the first payment to Mr. Cheesman, he (Cheesman) made some allusion to Mr. Ashley with reference to his (Ashley) making a speculation, to which Mr. Ashley replied, in substance, that he had no speculation to make at the expense of the State, or that he would report the transaction to the Legislature, and leave it for them to say what should be done with the overplus. I don't recollect distinctly which was the answer, but my impression is it was both. Shortly afterwards, Mr. Ashley informed me that he had reported the transaction, and made a statement of it, and lodged the same with the Controller, with whom the law made it his duty to file such documents.

Q.—You have said that there were some expenses necessary to the negotiation in the conversion of coin into Legal Tender Notes, please state the character and extent of such expenses, and to whom they were paid?

A.—On the first transaction, I think Mr. Ashley informed me that he made a sliding scale of commissions with the broker who purchased the notes. I am not able to state exactly what that was. As to the second transaction, I purchased one hundred thousand dollars of the notes of Mr. Carleton, and the balance of Wormser. Those were furnished to Mr. Ashley at eighty-eight cents, in pursuance of my contract with him.

Q.—Please state at what rates of discount you purchased the one hundred thousand dollars of Legal Tender Notes which you delivered to Mr. Ashley—I mean the purchase you made of Mr. Carleton?

A.—I paid him eighty-five cents.

Q.—Please state at what rate of discount you procured the seventy thousand eight hundred and thirty-six dollars of Wormser?

A.—At the same price—eighty-five cents.

Q.—At what time did you close the transaction with Mr. Carleton for the purchase of the one hundred thousand dollars of said notes, and at what time did Mr. Carleton deliver into your hands said amount of Legal Tender Notes?

A.—I think the transaction was closed about the twentieth of December, eighteen hundred and sixty-two, but I am not positive. I received them from him, I believe, on the second day of January, eighteen hundred and sixty-three.

Q.—Please state the mode and manner of your payment to Mr. Carleton for the purchase of the one hundred thousand dollars of said notes?

A.—I took eighty-five thousand dollars in gold to his counting room, and received from him one hundred thousand dollars in Legal Tender Notes, on the second of January, eighteen hundred and sixty-three.

Q.—Please state from whom you received that amount in gold?

A.—From Mr. Ashley.

Q.—When did you receive that amount from Mr. Ashley?

A.—Within an hour of the time that I paid it to Mr. Carleton.

Q.—State whether or not Mr. Ashley accompanied you?

A.—The money was at Wells, Fargo & Company's, in this city. Mr. Ashley accompanied me there, and directed them to deliver the money

to me. Ashley and I then separated. I went to Mr. Carleton's office, and Mr. Carleton sent one of his Clerks and his drayman with me to get the money, which was done.

Q.—State at what time you closed negotiations with Mr. Wormser, and also the time that you received the amount of Legal Tender Notes, as stated above, purchased of him, and in connection state the rates at which you made the purchase, and the rates of discount of the delivery to Treasurer Ashley?

A.—I closed with Wormser one or two days before the second of January, eighteen hundred and sixty-three, at eighty-five cents; paid for them on the second of January, eighteen hundred and sixty-three, and delivered them to Ashley the same day, at eighty-eight cents, in pursuance of my contract with him.

Q.—Please state the mode and manner and from whom you received the funds to make the payment, and particularly as to time of receiving funds?

A.—I received the funds on the second of January, eighteen hundred and sixty-three, from Mr. Ashley, and took the money to the counting room of William T. Coleman & Co., in the same manner as was done with the eighty-five thousand dollars paid to that firm. I then came up to my office, received the notes from Wormser, and gave him an order on William T. Coleman & Co. for the sum which the notes cost, at eighty-five cents. The moneys received as aforesaid were, at the time of their being transferred to me, in the hands of Wells, Fargo & Co., they having brought them from Sacramento, as I understood. They were in sealed packages, marked with Mr. Ashley's name, and consigned to him?

Q.—Why was not Wormser paid at the counter of Wells, Fargo & Co., and why were said funds removed to the house of William T. Coleman & Co.?

A.—There was no reason, except as a matter of convenience. Wells, Fargo & Co. would not pay out in parcels, as they had receipted for the whole amount in one receipt. I desired them to pay me eighty-five thousand dollars and take a receipt for that amount, holding the balance, but they declined, as they had no facilities for counting the moneys in the office of the forwarding department.

Q.—State, if you know, of whom the amount of sixty-three thousand dollars, or the necessary amount to meet the first payment, was purchased, at what rate of discount said notes were purchased, and also, at what rate of discount they were delivered to Mr. Ashley?

A.—Wormser acted as the broker in their purchase. His agreement was to buy them in the market, and furnish them to Ashley at the same rate as he purchased, less his commission, which was to be, I believe, one-fifth of the difference between the rate of purchase and the face of the notes.

Q.—If you know, state with whom did he make the arrangement to act as broker, and also state when, and where, and the substance of the conversation which took place?

A.—I believe the arrangement was made with Mr. Ashley, but I am not certain whether or not I was present at the time it was made.

Q.—If you know, state from whose hands Mr. Wormser received the funds necessary for the purchase of the Legal Tender Notes furnished by him—I mean in reference to first payment?

A.—The money was deposited with Donohoe, Ralston & Co. to my credit, I explaining to them, at the time it was so deposited, the character of the funds and the uses to which it was to be applied. As fast

as Mr. Wormser delivered the notes, checks were given against the fund for the amount that he would be entitled to for such notes. Up to that time, I had kept no bank account with Donohoe, Ralston & Co., opening this on account of the public confidence in that house, hence my explaining to them why I troubled them with this special account. The reason the money was placed in my hands was because Mr. Ashley could not remain in San Francisco, and I would not have it in my safe, nor did I want it deposited with my own bankers, so, for reasons before stated, I deposited it with Donohoe, Ralston & Co. The exact amount so deposited, I do not now recollect.

Q.—You have stated that the amount necessary to pay Wormser for the notes that he might purchase, as above stated, was deposited to your credit in the banking house of Donohoe, Ralston & Company. State by whom and when deposit was made, and as near as you can the amount of such deposit?

A.—It was deposited by me, I should think five or six days before the first tender was made to Cheesman, and the amount, as near as I can recollect, was fifty-eight thousand dollars.

Q.—State whether or not the amount so deposited by you was received by you from Treasurer Ashley, and if so, when you received it from Treasurer Ashley?

A.—It was received by me from Treasurer Ashley, and deposited within ten minutes after I received it. I think it was about the twenty-first, twenty-second, or twenty-third of September, but as to the date I am not positive; it was but a short time before the first tender was made.

Q.—Concerning the Treasury notes purchased and delivered by you to Mr. Ashley, or concerning the profits arising out of the transaction of the conversion of coin into such notes, or concerning the division of profits growing out of such conversion or relating thereto, did you ever have any conversation with any party representing or pretending to represent Mr. Ashley in the premises?

A.—I never did.

Q.—Have you ever made any arrangement with Treasurer Ashley and Controller Warren, or either of them, or with any party representing or pretending to represent Treasurer Ashley and Controller Warren, or either of them, in relation to the division of any profits arising out of the conversion of coin into Legal Tender Notes, purchased by or through you, or delivered by or through you to Treasurer Ashley, or to any person for his benefit?

A.—Never.

Q.—Is there now or has there ever been any understanding between you and Treasurer Ashley or Controller Warren, either direct or implied, that there is to be a division of the profits arising out of the exchange of gold into said notes?

A.—There is not now nor has there ever been any such understanding.

Q.—Did you ever, directly or otherwise, pay over to Mr. Ashley, State Treasurer, or to Mr. Warren, State Controller, or to any party representing or pretending to represent either of them, any portion of the profits arising from the purchase made by or through you of said notes?

A.—I never did.

Q.—Have you a copy of the letter referred to in your evidence as directed to Mr. Ashley, concerning what you had done or were about to do in the matter of purchasing these notes?

A.—I have not.

Q.—State what amount of money, if any, remained to your credit with Donohoe, Ralston & Co. after payment to Wormser of the Legal Tender Notes purchased by him; and, if any, what became of said amount?

A.—Nothing remained to my credit after the close of the transaction?

Q.—State whether or not you received any fee from Mr. Ashley for counsel fee and other services, in the first transaction; and if so, in what manner that fee was paid? I mean as to the sixty-three thousand dollars.

A.—Our fee in the first transaction, which was the only fee charged, and charge for services rendered, was five hundred dollars, but which was settled either at four hundred and eighty-three dollars or four hundred and eighty-four dollars, in cash, by Ashley.

W. W. STOW.

Sworn and subscribed to before me, this twentieth day of March, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court.

By M. E. GELSTON, Deputy.

TESTIMONY OF E. W. BOURNE.

E. W. Bourne, sworn and examined.

Q.—What position did you hold in the United States Assistant Treasurer's office on the thirtieth of September, eighteen hundred and sixty-three?

A.—Cashier.

Q.—Are you acquainted with Mr. Ashley?

A.—A business acquaintance, merely.

Q.—Were you present in September last, at the time when Mr. Ashley made the tender of a portion of California's quota of the Federal direct tax?

A.—Yes, Sir.

Q.—Was Mr. Cheesman present at the time?

A.—He was.

Q.—If you heard the conversation between Mr. Ashley and Mr. Cheesman, concerning the mode and manner of this payment, please state the same, as near as you can recollect, both as to what Mr. Cheesman said and Mr. Ashley said?

A.—Mr. Ashley came in with W. W. Stow with this sixty odd thousand dollars as a portion of the States' quota of direct tax, and I proceeded to count it with the assistance of some of the Mint Clerks. It was all in Legal Tender Notes. While it was being counted, Mr. Cheesman went out of the building to consult with some parties as to the propriety of receiving this paper, and I think we had finished, or nearly finished counting, I am not sure but we had entirely finished, and were waiting his return. When he returned, he directed me not to receive

the tender made by Mr. Ashley, and to make no receipt for it. The gentlemen then desired to leave the notes in the office, subject to instructions from the Secretary of the Treasury relative to receipt of same, but it could not be allowed, being contrary to the rules of the office, no moneys being allowed to be left there, except those belonging to the Government. Then, I assisted Mr. Ashley or Mr. Stow in placing this money in a carpet sack, tying it with red tape, and sealing it; and the gentlemen took it away with them. The conversation Mr. Cheesman had with Mr. Ashley was of a rambling character, and I could not remember it so as to give it as evidence. This was on the thirtieth of September. On the eighth of October, we received from Mr. Ashley sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, in the same bag, and sealed with the same seal.

Q.—Was Mr. Stow present at that time, also?

A.—I think he was.

Q.—Was Mr. Cheesman in the office when Mr. Ashley and Mr. Stow first came in the office, on the thirtieth of September?

A.—I cannot recollect. He might have been; but I think not.

Q.—Did he tell Mr. Ashley that he would not receive those notes previous to his leaving the office for the purpose of the conference before mentioned?

A.—I think he did not.

Q.—What was the amount of the second payment, and when made?

A.—It was one hundred and eighty-three thousand six hundred and six dollars and ten cents, was offered on the third of January, eighteen hundred and sixty-three, and accepted on the twenty-sixth of February.

Q.—Who came to make the payment?

A.—Mr. Ashley, and another gentleman, a stranger to me.

Q.—Did you count the notes?

A.—I did, with the assistance of others.

Q.—What denomination were they?

A.—There were one hundred and twenty-three one thousand dollar notes.

Q.—Since your resignation have you acted as Cashier?

A.—I have, partially.

Q.—Has all or most of the money disbursed at that office passed through your hands since the time of the first tender made by Mr. Ashley?

A.—Yes, Sir.

Q.—What has been the practice in that office in making disbursements with reference to the same being made in coin or Treasury Notes?

A.—We paid in coin when we had no notes, and when the denomination of the notes was such that we could not make the amounts of the checks. As, for instance, if a check came in for nine hundred dollars, and we had only one thousand dollar notes, we would pay in coin. Those large notes have caused us a great deal of trouble.

Q.—I understand you to say that the payment of this tax in large notes compelled the payment of coin on smaller drafts?

A.—I do.

Q.—In pursuing this course—that is, in paying out notes when you had them—under whose instructions did you act?

A.—I was acting only under Mr. Cheesman's instructions.

Q.—Has there ever been any distinction made in this respect?

A.—None, so far as I know.

Q.—If California's quota of direct tax had been paid in coin, were the

demands of the Government, at that time or since, of such a character as would have absorbed said amount in coin?

A.—Yes; three times.

Q.—If it had been received in coin, would it have been paid out in coin?

A.—Most assuredly, if we had no paper.

Q.—To what service or what claims of the Government would it principally have been applied?

A.—I cannot say; it is difficult to tell.

Q.—What portion of it would have been applied to the Military Department of the State?

A.—It would be difficult to say. The last payment was or will be applied to the payment of troops, or the larger portion of it. It has not yet been entirely paid out. It is also payable to the Paymaster, Quartermaster, and Commissary Departments.

Q.—At the time of that payment, were there other Legal Tender Notes in the possession of the Assistant Treasurer?

A.—There were. On the thirtieth of September, there was four hundred and fifty thousand dollars in Legal Tender Notes, being remainder of one million dollars sent out by Government. On the eighth of October, there was three hundred and fifty thousand dollars. Between the thirtieth of September and the thirtieth of October, there was paid out seven hundred and fifty thousand dollars for the Paymaster, Quartermaster, and Commissary Departments. Now, if you add to the four hundred and fifty thousand dollars the sixty-three thousand dollars paid in by Mr. Ashley, making five hundred and thirteen thousand dollars, and deduct from seven hundred and fifty thousand dollars, it will show in round figures the amount of coin paid out during the same period, two hundred and thirty-seven thousand dollars. On the third of January, when the tender of one hundred and eighty-three thousand dollars was made, there was eleven thousand dollars in notes, and on the twenty-sixth of February, when the tender was accepted, there was fifty-seven thousand dollars in Legal Tender Notes. About this time, just prior or subsequent to the date of the receipt of the last amount from Mr. Ashley, the Deputy Paymaster-General, Lieutenant-Colonel Ringgold, presented warrants from the Secretary of War, to the amount of four hundred and fifty thousand dollars, for the payment of troops on this coast, and I informed him that he would have to receive one hundred and twenty-three one thousand dollar Legal Tender Notes. He replied, he could not use them, for the soldiers received only from fifty-seven dollars to one hundred dollars each. Therefore, the large majority of the troops have not been paid yet, because we have not the proper denomination of currency to pay them in. The effect of this deposit of one hundred and twenty-three thousand dollars, has been to materially decrease the business of the office, as parties knowing these notes are in the Treasury, prefer holding their checks to presenting them. There is now the warrant of the Paymaster or the Purser of the Navy Yard, presented last week, for one hundred and twenty-five thousand dollars, and he declines receiving the notes, because he cannot use them on account of their size. Some of the first payment consisted of these large notes, and they were paid out and returned a number of times by the payee, because they could not be used on account of their size. The Government sent no notes here larger than twenty dollars, up to the time of this last payment.

Q.—Do I understand you to say that the office, up to the present time,

has been unable to use these one hundred and twenty-three one thousand dollar notes, paid in by Treasurer Ashley ?

A.—Yes.

Q.—Give the reason why ?

A.—The nature of the claims presented by the disbursing officers are of so small an amount that they cannot use them. The Commissary Department, recently, have given no large checks, and that is the only Department where they can use them.

Q.—State what has been the effect of the payment of the one hundred and twenty-three one thousand dollar notes by Treasurer Ashley, as to the payment of Government claims, and whether or not it has worked a delay in payment of such claims. First, as to whether it has delayed Government ; and second, as to persons having claims upon the Government ?

A.—It has prevented the Paymaster from paying the troops on this coast, although he has sufficient to his credit to make the payment.

Q.—If that one hundred and twenty-three thousand dollars, as represented by Legal Tender Notes, paid in by Mr. Ashley, had been paid in coin, would it have been paid Lieutenant-Colonel Ringgold on the claims presented by him against the Government ?

A.—Certainly, if we had not paper enough to cover the claims.

Q.—If the payment, as made by Treasurer Ashley, had been made in coin instead of Legal Tender Notes, would the Government have used that coin in the payment of claims upon this coast ?

A.—The first sixty-three thousand dollars would have been paid out certainly. My impression is that the whole of it would, in coin. Mr. Cheesman may have received orders not to pay it out. I don't know.

Q.—What was the character of the claims presented immediately after the tender of the sixty-three thousand dollars was made ?

A.—Principally the Paymaster's checks. Three checks, amounting to about three hundred and seven thousand dollars.

Q.—Can you state the character and amount of the claims presented immediately after the tender of the one hundred and eighty-three thousand dollars, on the second or third of January, eighteen hundred and sixty-three ?

A.—I cannot ; but I can tell you what I believe it to be : Nine tenths of all the payments made out of the Treasury on this coast is made to the army and navy, for supplies, etc.

Q.—Will you give the particulars and nature of the claims paid out of the Treasury after the third of January, eighteen hundred and sixty-three, and prior to the twenty-sixth of February ?

A.—I cannot tell without looking at the checks, and even then I could not in every instance. If Colonel Ringgold draws a check for one hundred thousand dollars in favor of Major Sprague, I know that it goes for the pay of the troops ; but how much or what amount has been drawn in that way I cannot say.

Q.—Have you ever received any instructions from Mr. Cheesman not to pay out coin for demands on the Treasury Department ?

A.—I have received such instructions, I think, within the present month ; it might have been within the latter part of February.

Q.—Do you recollect of hearing Mr. Cheesman's conversation with Mr. Ashley, regarding what he (Ashley) would do with the profits arising from this exchange ; and, if so, state what was said ?

A.—Mr. Ashley remarked, in answer to an inquiry of that nature, that perhaps it might be a good idea to give it to the Sanitary Fund, or that

he would. It was so worded that it was doubtful, in my mind, whether he would or would not. I was very busy counting the money, and paid but little attention to what was said.

Q.—Did the payment of the one hundred and twenty-three thousand dollars, in one thousand dollar notes, compel the Assistant Treasurer to pay Government allowances or claims in coin, or was that result the effect of other and general causes?

A.—Since the receipt of the one hundred and twenty-three one thousand dollar notes, no coin has been paid out, and the disbursing officers and others, who have since the receipt of this sum presented their claims, have not been paid, because the claimants could not use notes of that denomination, which was the case principally with Paymaster Ringgold and his Assistants.

Q.—If you noticed the one thousand dollar notes, as paid in by Mr. Ashley, state whether or not they appeared to be new notes, or notes that had been used in circulation?

A.—They had the appearance of new notes that have never been in circulation. I am inclined to believe that they have never been in circulation, because the numbers run regularly, as they do when just issued by the Government.

Q.—Is it customary to stop counting moneys to make payments?

A.—No, sir.

Q.—Have you any recollection of stopping, during the counting or receiving of this money, on the twenty-sixth of February, for the purpose of making payments?

A.—The money was counted in lots, by myself and others, and when I got through with my lot, I believe I paid several small checks, while the others were counting theirs. I don't remember who the parties were.

CROSS EXAMINATION BY D. R. ASHLEY.

Q.—How long have you been engaged in the office of Mr. Cheesman?

A.—Since the ninth of September, eighteen hundred and sixty-one, up to the present time.

Q.—On the thirtieth of September, eighteen hundred and sixty-two, what amount of Legal Tender Notes were on hand?

A.—About four hundred and fifty thousand dollars.

Q.—You have said, on the thirtieth day of September, eighteen hundred and sixty-two, while at the office, you were counting the money tendered by Mr. Ashley, Mr. Cheesman went out to consult with party or parties. With whom did he consult?

A.—I do not know.

Q.—Did he never tell you?

A.—I think he did.

Q.—With whom, then?

A.—I do not recollect the parties' names, because he has frequently consulted parties outside, and I might get the wrong name. He sometimes consults with the United States District Attorney concerning the duties or regulations of the office on points of law.

Q.—Who are those parties with whom he frequently consults outside?

A.—United States District Attorney, Surveyor of the Port, and the Collector of Internal Revenue for this District.

Q.—How do you know that he consults with these parties outside?

A.—He has told me so, or has left the office for that purpose.

Q.—If he told you at all, with whom did he say he consulted on the thirtieth of September, eighteen hundred and sixty-two?

A.—If my memory serves me right—I won't be positive—Mr. Sharp, I believe, the United States District Attorney.

Q.—Do you recollect that on the thirtieth day of September Mr. Cheesman said Sharp's opinion was, that the notes tendered were receivable?

A.—I think he did say something of the kind. I know Mr. Cheesman never doubted in his mind but what they were receivable.

Q.—Why, then, did he refuse them?

A.—I don't know.

Q.—Why did he receive them on the eighth of October?

A.—I think it was by instructions of the Secretary of the Treasury.

Q.—Did you see those instructions?

A.—I did not.

Q.—Did Mr. Cheesman tell you of them?

A.—He told me that he should receive them, and addressed you a letter to that effect.

Q.—When did he so tell you?

A.—It must have been a day or two prior to the eighth of October.

Q.—Do you know of any instructions, subsequent to the eighth of October, and previous to the third of January, directing that Legal Tender Notes should not be received?

A.—I do not.

Q.—How many Legal Tender Notes were on hand the eighth of October, previous to the payment from the State Treasurer?

A.—About three hundred and fifty thousand dollars.

Q.—How many were on hand the third of January?

A.—About eleven thousand dollars.

Q.—Between the thirtieth of September, eighteen hundred and sixty-two, and the third of January, eighteen hundred and sixty-three, was there any time when there was not Legal Tender Notes in the hands of the Assistant Treasurer? and if so, at what time?

A.—There were a number of periods, during that time, when we were out of notes. I know I paid out over four hundred thousand dollars in double eagles during that time, which I should not have done had I had notes. I paid it all, or very nearly all, to the Paymasters. Colonel Ringgold and his Assistants got nearly all of it.

Q.—Can you not tell more or less about the date of this?

A.—I cannot without referring to the memorandum of payments of the different dates.

Q.—Will you refer to the memorandum, and give us the dates?

A.—It would give me a great deal of trouble, as we were sometimes out of notes several times during the same day. Parties would deposit and draw out continually, and we would change our mode of payment several times in the same day. Merchants outside understood it from watching the payments, but the poor soldiers could not.

Q.—How many poor soldiers were paid during that time?

A.—I can't recollect. There might have been from five hundred to two thousand.

Q.—Were they all paid in Legal Tender Notes?

A.—I don't think they were; pretty sure they were not. I remember a case in which two came in together, and the first got notes, the other gold.

Q.—You have said the Government sent to the Assistant Treasurer one million dollars in notes. When was that?

A.—I don't recollect the exact date, but I think it was in August; I believe we received them on the eleventh.

Q.—When were those notes exhausted?

A.—It would be impossible to tell, because they were not kept separate from the receipt, of other notes.

Q.—What receipts of other notes?

A.—From the Collectors of Internal Revenue, from the Postmasters, from the Petitioners for Patents, from the disbursing officers having accounts at the office, and from the Treasurer of State, and possibly others making deposits there. I could mention probably twenty or thirty other sources.

Q.—Did you ever refuse to receive notes from any one but Mr. Ashley?

A.—Only for the moment, that is, half an hour or so, when Mr. Cheeseman might be out and I did not know what course to pursue.

Q.—Did you then receive them?

A.—Yes, Sir.

Q.—What amount of notes were on hand on the first of February, eighteen hundred and sixty-three?

A.—I do not know. Don't know if there were any, or if any, how much.

Q.—Did you not pay out, on the third of January, about ten o'clock, A. M., something over thirty thousand dollars to one man, while you were counting the money tendered by Mr. Ashley, and did you not then say to the party: "You see what you would have got had you waited a little longer?"

A.—On the third of January, when Mr. Ashley made the tender of the one hundred and eighty-three thousand dollars, I think Mr. Cheeseman was not in the office just at the moment, and when the packages were laid upon the counter, I happened to take the package of the one hundred and twenty-three one thousand dollar notes, and while counting them, I think it was Major Sprague, Assistant Paymaster, presented a check for thirty thousand dollars, for the payment of the troops at Sacramento or Benicia, and Mr. Cheeseman came in and directed me not to receive the notes, and the check was paid in gold and silver.

Q.—Were there no Legal Tender Notes on hand at the time of that payment?

A.—There was not at that time; I paid him two checks the same day for same amount—most probably all in coin.

Q.—On the thirtieth day of September did you not return Mr. Ashley sixty-nine cents in change?

A.—I did, and when making up the cash at the end of the day, I had to take the sixty-nine cents out of my own pocket.

Q.—Was Mr. Ashley ever requested to return the change that was delivered him?

A.—Not to my knowledge.

Q.—What other notes has Government sent the Assistant Treasurer, aside from the million before spoken of?

A.—I must decline to answer. I should be violating my instructions from high authority if I answered that.

Q.—From whom?

A.—From the Department. All my general instructions come from the Department.

Q.—Since the thirtieth of September, eighteen hundred and sixty-two, up to the present time, have you failed to pay for want of money, at the Assistant Treasurer's office?

A.—We only failed to pay because the parties would not receive the large notes, as they could not be used in making their disbursements, and we had not enough others to meet the payments.

Q.—When was that?

A.—Somewhere about the ninth of March, or about that time.

Q.—You have said that on account of the one hundred and twenty-three one thousand dollar notes on hand you were forced to pay small demands in coin. When was that?

A.—I have not said so.

Q.—Did you never pay coin on small demands because those one thousand dollar notes were too large?

A.—Yes, Sir; many thousand dollars.

Q.—When was that?

A.—I cannot tell you the day; it was some time last fall. I know a case where we paid thirty thousand dollars, and the checks were drawn for nine hundred dollars, or for less than one thousand dollars each, so that we could not pay them with one thousand dollar notes, and we had none smaller. This was prior, however, to the receipt from Mr. Ashley of the one hundred and twenty-three one thousand dollar notes.

Q.—Of what denomination were the notes you had on hand January third, eighteen hundred and sixty-three?

A.—I do not know, nor have I any means of ascertaining.

Q.—How many notes are now on hand in that office?

A.—I decline to answer, because it is breaking faith with the Government; and such questions should never be asked of either a Government Clerk or private Clerk concerning the business of his employers?

Q.—Since the thirtieth of September, eighteen hundred and sixty-two, has there been coin on hand continually, at the Assistant Treasurer's office, from which payments could have been made?

A.—There has.

Q.—Has ever any coin been sent from the Assistant Treasurer's office to the Atlantic States?

A.—I decline to answer.

Q.—Did not Macondray & Co., in February or March of this year, take one million dollars, or some other sum, from that office, for transportation to the Atlantic States, to be there paid over to the Government?

A.—I decline to answer.

Q.—Did I understand you that some time in December last you resigned your position in the office of Assistant Treasurer of the United States?

A.—I so stated.

Q.—Have you since then been in the employ of Macondray & Co.?

A.—I have performed the duties of book-keeper for them, after office hours, since that date.

Q.—How do you know that the payment, made by Mr. Ashley, has prevented the presentation or payment of claims against the Government?

A.—It has not prevented the presentation of claims, but has compelled the disbursing officers to refuse the payment tendered to them, as the notes were too large for their use.

Q.—How many soldiers on this coast receive payment from that office?

A.—No one knows but the Paymaster-General of the United States. Some of them receive checks on New York.

Q.—Is the receiving by those persons of checks on New York optional with the receivers?

A.—I think not.

Q.—Is it the custom at the Assistant Treasurer's office to inform parties coming with checks and warrants in what manner the same will be paid?

A.—It never has been done in a single instance, to my knowledge.

Q.—What is the custom on the presentation of a check or warrant?

A.—When a check is presented, it is cancelled in a similar manner that bankers cancel their checks, by cutting through the centre, and then paying the amount the face of the check calls for. When a warrant from the Treasurer of the United States is presented, it has to bear upon its back the endorsement of the party to whom it is payable, under the receipt for the amount of money paid to him. If paid to another party, that party signs under the receipt on the back. Whoever receives the money signs the receipt on the back. There may be a dozen endorsements on the back of it. A duplicate is then made of the warrant, and the receipt also taken, in the same manner, on its back. The warrant is then paid, and cancelled by cutting its face. They are never returned after once passing over the counter.

Q.—Does the cancellation of the checks, and the receipt upon the warrants, and presentation of the same, precede the payment?

A.—They do.

Q.—How, then, happens it that Lieutenant-Colonel Ringgold and others refused to receive one thousand dollar notes, if checks had been cancelled or the warrants receipted and presented, they not knowing previously what money you had on hand to pay with; and if the checks or warrants were not presented, how happened it that any conversation took place as to their unwillingness to receive one thousand dollar notes?

A.—It has been the custom of disbursing officers, when about to make payments to troops, to come or send to the office to leave a schedule of the denominations of the notes or coin they desire in making this payment got ready for them, sometimes a day before the checks are presented, to give us time to arrange it; and when a schedule has been presented and could not be complied with, and when they have asked the reason, I have told them that I had to pay the one thousand dollar notes. Then they have not presented their checks or warrants. In that way they have found out.

Q.—Do you recollect of any instance where these parties have sent in intimations of the notes they wanted, having no intimation as to whether you had any on hand or not?

A.—I think that has occurred in the instance of every one of them.

Q.—Then you say that certain parties have been informed, previous to presentation of their checks or warrants, in what the same would be paid?

A.—Only when schedules have been presented, and we have been unable to conform to said schedules.

Q.—When were you directed to pay out no more coin?

A.—Some time during the early part of this month; I do not recollect the date.

Q.—From whence do you receive coin into that office?

A.—From all sources—Custom House, Postmasters, Internal Revenue Collectors, Treasurer of State, and other sources.

Q.—What was done with the money received from the Custom House?

A.—Placed in the vault at the office.

Q.—Since the thirtieth of September, eighteen hundred and sixty-two, has any of the money received from the Custom House been paid out on checks or warrants at the Assistant Treasurer's office?

A.—I decline to answer.

Q.—Is it not the rule that the money received from the Custom House shall be retained to pay interest on the debt of the United States, and do you know of any instance since June, eighteen hundred and sixty-two, of that money being paid out on checks and warrants at this place?

A.—I know of no such rule, and I decline answering the latter part of the question.

[Mr. Smith here objects to the further time of this committee being taken up in the examination of the witness concerning the affairs of the Federal Government, as exhibited in the foregoing questions, which bear no relation to the duties of the committee as imposed upon them by the Legislature of the State, nor is it necessary to the purposes of the investigation of the payment, on the part of Treasurer Ashley, of California's quota of Federal direct tax.]

Mr. Ashley replies: That the witness, in his direct examination by the committee, has testified as to his *opinion* of what effect the payment in notes had, and what would have been the effect of the payment in coin; and as to the amount of notes on hand on the thirtieth of September, eighteen hundred and sixty-two, on the eighth of October, eighteen hundred and sixty-two, on third of January and twenty-sixth of February, eighteen hundred and sixty-three; and of one million dollars in notes being sent by the Federal Government to the Assistant Treasurer before September thirtieth, eighteen hundred and sixty-two; and of the amount of coin that had been paid out between September thirtieth, eighteen hundred and sixty-two, and October thirtieth, eighteen hundred and sixty-two; and of the payment of coin subsequently to the payment of the one hundred and twenty-three one thousand dollar notes by Mr. Ashley; hence, the line of cross examination has been pertinent to the matters elicited by the examination made by the committee, and the party cross examining has not occupied one tenth of the time that has been used in the examination.

[Objection overruled by vote of committee.]

Q.—Of the coin paid into the Assistant Treasurer's office since September thirtieth, eighteen hundred and sixty-two, what part or proportion has been received from the Custom House?

A.—I decline to answer.

Q.—Does the United States, or its officers on this coast, refuse to receive Legal Tender Notes, and if so, for what do they so refuse them?

A.—My reason for refusing them for my salary is, because I don't consider them enough. Major Ringgold's reason was because he could not use them. I don't know the reasons of every person for refusing to receive them. I could get my pay at the Custom House to-day, if I chose to take it.

Q.—Are you, then, also employed at the Custom House?

A.—No, Sir.

Q.—Why were the notes offered on the third of January by Mr. Ashley, refused? and why were they received on the twenty-sixth of February?

A.—Received them, the same as the first tender, under instructions.

Q.—When were those instructions received?

A.—I do not know.

Q.—What is the amount of the annual disbursements of the General Government on this coast?

A.—Previous to last year, they have been between three and four million dollars. Last year they were about six millions.

Q.—If you know, please state the amount and character of the claims paid by the Assistant Treasurer between the third of January and twenty-sixth of February, eighteen hundred and sixty-three?

A.—I do not know.

Q.—Have you examined the books?

A.—I have not.

Q.—Were you not requested so to do?

A.—I was not.

Q.—Will you make that reference now?

A.—I cannot, Sir.

Q.—Why not?

A.—I have not the time.

Q.—By what time can you do it?

A.—I cannot say how long it would take me.

E. W. BOURNE.

Sworn and subscribed to before me, this twentieth day of March, eighteen hundred and sixty-three.

F. F. FARGO,
Clerk of Supreme Court.

By M. E. GELSTON, Deputy Clerk.

TESTIMONY OF D. W. CHEESMAN.

D. W. Cheesman, sworn and examined:

I am Assistant Treasurer of the United States, and am acquainted with Mr. Ashley.

Q.—Prior to the thirtieth of September last, state whether you received any communication from Mr. Ashley (written or otherwise) concerning the payment of any portion of California's quota of the Federal direct tax; if so, state when, and the character of the communication?

A.—I received a communication from him, of date the first of September, eighteen hundred and sixty-two. It was a written one.

Q.—Have you that communication?

A.—I have it with me.

Q.—Please to exhibit it?

[Witness exhibits letter, as follows:]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
September 1st, 1862. }

United States Assistant Treasurer:

SIR:—As State Treasurer of California, I have on hand sixty-three

thousand eight hundred and thirty-nine dollars and thirty-six cents, payable to you as part of the Federal tax assumed by this State.

No provision is made by State law for transportation of the money to San Francisco, and I call your attention to the fact that you may receive the money here if you deem proper.

Yours, &c.,

D. R. ASHLEY,

State Treasurer.

D. W. CHEESMAN, Esq.

Q.—State whether or not that communication inclosed the Controller's warrant for that amount of money, or for any portion of it?

A.—It did not.

Q.—Prior to that date were you in receipt or did you receive the Controller's warrant for that amount of money, or any portion of it?

A.—I did not.

Q.—Have you ever received the warrant from the Controller of this State, drawn directly in your favor, for any portion of California's quota of the Federal direct tax from the hands of the Controller, by name, or otherwise?

A.—I have not.

Q.—When did you first have a personal interview with the Treasurer of this State concerning the delivery to you of California's quota of the Federal tax, and where?

A.—The first interview I had with Mr. Ashley was on the thirtieth of September, eighteen hundred and sixty-two, at the Assistant Treasurer's office, at San Francisco.

Q.—Did you receive more than one written communication prior to September thirtieth, eighteen hundred and sixty-two, in relation to this tax?

A.—I did not. But I will say, that while I was absent from the city, visiting my family in Butte County, on my return, Mr. E. W. Bourne, my Cashier, informed me that Mr. Ashley had called at the office and had some conversation with him in reference to my calling for the money at Sacramento—he referred to California's quota of the Federal direct tax. I think Mr. Bourne stated to me that Mr. Ashley had called to see whether I would pay the expense of transporting the money to San Francisco, or whether I would come to Sacramento and receive the money. Mr. Bourne stated to me that he had informed Mr. Ashley that I would do neither, as there was a case in point in which I had declined to receive public moneys elsewhere than in the office of the Assistant Treasury, referring to the case of D. O. Mills, Agent of the National Loan Subscription.

Q.—Was that answer given to Mr. Ashley by Mr. Bourne by your directions?

A.—It was not; but it was strictly in accordance with my views of my official duty.

Q.—State whether or not you made written answer to Mr. Ashley's communication dated September first, eighteen hundred and sixty-two?

A.—I did; and I have the copy.

[Witness produces copy hereto annexed, marked Exhibit A.]

Q.—Please state the substance of the conversation you had with Mr. Ashley in your office on the thirtieth of September last, and what took place there?

A.—On coming into the office in the forenoon, I think of the thirtieth

of September, eighteen hundred and sixty-two, I found my Cashier, E. W. Bourne, and several of my Mint Clerks, at the Assistant Treasurer's desk, engaged in counting United States Legal Tender Notes, together with two or three other gentlemen standing there. The other gentlemen were Mr. Ashley, Treasurer of the State, Mr. Stow, of the firm of Stow & Patterson, lawyers, Mr. J. M. Gitchell, and a Mr. Heintziman. There were, I think, two or three other persons, who passed in checks for money during the affair. I passed into the office, that is, in behind the counter, and remarked while doing so, "What is all this?" addressing myself particularly to Mr. Bourne. He answered, "Mr. Ashley is paying over the quota of the direct tax in United States Legal Tender Notes." I then remarked, "He has got the money all into notes at last." I remarked this because I had heard that he was buying up notes for that purpose. In turning around, I, for the first time observed Mr. Ashley standing there. I stepped out and shook hands with Mr. Ashley and passed the ordinary compliments of the day, and was then, by him, introduced to Mr. Stow. I stated to Mr. Ashley that I was sorry he had done so, referring to this payment in Tender Notes, and asked him what he was going to do with the premium, to which he made no definite reply. I think he remarked that he would take care of that. The impression I got from his answer was, that that was his business and not mine. I then remarked to Mr. Ashley: "You had better give it to the Sanitary Fund." I then stated to Mr. Ashley, "That it was an outrage upon the creditors of the Government." That ends the conversation at that time. Mr. Bourne then called my attention to a receipt that Mr. Ashley had prepared for me to sign.

[A copy of receipt is hereto annexed, marked Exhibit B.]

Q.—Was that receipt in the handwriting of Mr. Ashley?

A.—I think it was not.

Q.—What reason did you give to Mr. Ashley for refusing to sign the receipt, if any?

A.—I told him that I would not receive the notes until further instructed by the Secretary of the Treasury. That I would telegraph him immediately, which I did.

Q.—What was the denomination of the notes?

A.—I cannot state.

Q.—What was the general appearance of those notes? Did they appear to have been in circulation before, or not?

A.—They had the appearance of being new notes, mostly.

Q.—Did you count them?

A.—I did not; my Clerks did.

Q.—Did you receive them?

A.—Mr. Ashley desired that I would put them in the vaults, till I could hear from Mr. Chase. I stated to him that I could not do so; that he must take the notes away. That I could receive no money on special deposit. Mr. Ashley then put the notes in a carpet sack, and I think he asked that they might be sealed up. A string was passed around the sack through the ears, across and lengthwise of it, and sealed with sealing wax. I think Mr. Stow took the sack, containing the notes, and left in company with Mr. Ashley.

Q.—Did you have any further communication with Mr. Ashley about this payment, and if so, state when, where, and what took place?

A.—I advised Mr. Ashley by telegraph, and also by letter, of the instructions of the Secretary of the Treasury, and the result of it.

[Witness reads papers hereto annexed, marked Exhibit D, and Exhibit E.]

This telegram and the letter above read were both forwarded to Mr. Ashley, Sacramento.

[Witness reads letter as follows:]

SAN FRANCISCO,
October 8th, 1862. }

Hon. D. W. Cheesman, U. S. Assistant Treasurer :

DEAR SIR:—Having learned through the public press that you have received advices from Washington in regard to the payment of the direct tax assumed by the State of California, I am ready to hand to you, to-day, the funds tendered to you on the thirtieth of September last.

Yours,

D. R. ASHLEY,
State Treasurer of California.

P. S.—Your answer will reach me at the office of Patterson & Stow, San Francisco.

D. R. A.

I will now read the answer I sent to Mr. Ashley.

[Letter hereto annexed, marked Exhibit F.]

That letter I addressed to Mr. Ashley, and sent it to the office of Patterson & Stow, San Francisco.

Q.—State when the first payment was made, and the nature of the currency?

A.—He paid it on the eighth of October, eighteen hundred and sixty-two. Mr. Ashley came with the carpet bag, and counted out the notes, I suppose the same ones before counted and placed therein. I gave him a receipt, of which this is a copy.

[Hereto annexed, marked Exhibit G.]

Q.—Was there any other payment made to you of the quota of the tax; and if so, state when, where, and in what currency, and under what circumstances?

A.—On the second of January, eighteen hundred and sixty-three, Mr. Ashley came again, in company with Mr. Stow, and stated that he had the balance of the payment of this tax, amounting to one hundred and eighty-three thousand dollars, and a fraction. I stated to him to call the next morning. He called accordingly on the next morning. I declined to receive the notes when he came, until I should be further instructed. The next step was the communication which I forwarded to the Governor, (a copy of which is offered.) About the twenty-fourth of February, I forwarded a letter to Mr. Ashley, advising him that I had received instructions from Mr. Chase.

[Copy hereto annexed, marked Exhibit H.]

Q.—Had you received any instructions from Mr. Chase, by telegram, previous to the writing of the letter, stating that you could receive the last payment, after the first payment was made by Mr. Ashley?

A.—I decline to answer, that being a matter between Mr. Chase and myself.

Q.—State what further occurred concerning said last payment?

A.—Mr. Ashley came on the twenty-sixth of February, and made payment of one hundred and eighty-three thousand six hundred and six dollars and ten cents, as follows: One hundred and eighty-three thousand

six hundred and six dollars in Legal Tender Notes, and ten cents in coin. Of these there were one hundred and twenty-three notes of one thousand dollars each, United States Legal Tender Notes; the balance were in smaller denominations, from five to five hundred dollars each. There were a few of the notes of the larger denominations which had been used.

Q.—Can you tell by the appearance of those notes whether or not they had been used once?

A.—Probably not whether they had been used once or not. The notes were new notes, not having the appearance of ever having been used. I mean the larger denominations. Here is a copy of receipt which I gave Mr. Ashley.

[Marked Exhibit I.]

CROSS EXAMINED BY MR. ASHLEY.

Q.—Were not all the notes tendered by the State Treasurer on the thirtieth of September, eighteen hundred and sixty-two, counted in your office, and was not sixty-nine cents in return change handed back, and were not all the notes, by you or your Cashier, placed on a tray, and put upon your money shelf, previous to the talk about the form of receipt to be given; and did not those notes so remain in your office until after your return from consultation with Mr. Sharp?

A.—As to the return of the sixty-nine cents change, or whether the change was given, I have no knowledge. The notes were counted in the office, and Mr. Bourne was, by me, instructed not to receive them. I suppose they were by Mr. Bourne placed on a tray and set back on the shelf. I admit the tender on the thirtieth of September, and that they were counted at the counter. I presume they remained on the shelf, upon the tray, until I got back from Mr. Sharp's. I am not aware that this was done for any purpose but out of courtesy to Mr. Ashley.

Q.—After the notes were counted and placed on the shelf, were you not absent at least one hour before you returned from the consultation with Mr. Sharp; and after your return, did you not, for the first time, then state to the State Treasurer, that you refused to receive the notes?

A.—I think the first of my refusal was after my return from Mr. Sharp's. I think I was gone there a half or three quarters of an hour.

Q.—Before September thirtieth, eighteen hundred and sixty-two, what amount of Legal Tender Notes had the Government sent to your office for disbursement?

A.—I decline to answer.

Q.—What amount of Legal Tender Notes was on hand, at your office, on the thirtieth of September, eighteen hundred and sixty-two?

A.—I decline to answer. On account of official relations existing between myself and Secretary Chase, I must decline to answer these questions. Upon obtaining the consent of Secretary Chase to testify in these matters, any information I can give will be furnished very cheerfully.

Q.—What amount of Legal Tender Notes was on hand, at your office, on the eighth of October, eighteen hundred and sixty-two.

A.—I decline to answer.

Q.—What was the character of claims paid at your office during the month of October, eighteen hundred and sixty-two?

A.—I decline answering.

Q.—During the month of October, eighteen hundred and sixty-two,

did you receive instructions from the Secretary of the Treasury to receive Legal Tender Notes from the State Treasurer of California?

A.—I did not; but received instructions, in response to a telegram to the Secretary, to the effect that D. R. Ashley, Treasurer of the State of California, had tendered Legal Tender Notes in part payment of the quota of the direct tax assumed by the State of California, to receive Legal Tender Notes for direct tax.

Q.—Will you give a copy of the dispatch?

A.—I decline doing so.

Q.—Did you afterwards, from Secretary Chase, or any other superior authority, receive instructions that said notes were not receivable for the direct tax assumed by California?

A.—I decline answering.

Q.—Subsequently to the thirtieth of September, eighteen hundred and sixty-two, did you receive any instructions concerning the subject matter?

A.—I decline answering.

Q.—Did you, by telegraph, receive instructions from the Secretary of the Treasury, on or about the eighth day of January, eighteen hundred and sixty-three, concerning your receipt of the money as offered by the State Treasurer on the second and third of January, eighteen hundred and sixty-three?

[Without objection, the question was ruled out of order by the Chairman. Ruling sustained by the Committee.]

Q.—Did you receive instructions from Secretary Chase, sent from Washington, on or about the twenty-first day of January, eighteen hundred and sixty-three, by telegraph, directing you to receive Legal Tender Notes for the quota of the direct tax due from California?

[Mr. Smith here objects to the question, on the ground of irrelevancy. Objection sustained. Mr. Willson dissenting.]

Q.—In your office, in making up your accounts previous to the twenty-sixth day of February, eighteen hundred and sixty-three, in entering receipts of money, did you make any distinction, aside from Custom House receipts, whether the receipts were in coin, or in Legal Tender, or other notes?

[Mr. Smith raises the same objection as to previous question. Objection sustained. Mr. Willson dissenting.]

Q.—Since or before the thirtieth of September, eighteen hundred and sixty-two, have you received instructions, or has it been the rule of your office, to pay out only Legal Tender Notes; and if such instructions were given, when?

[Mr. Smith objects, on the ground of irrelevancy. Objection overruled.]

A.—I decline answering.

Q.—Has coin at any time been sent from your office to the Atlantic States; and if so, when, and what was the amount?

[Mr. Smith objects, on the ground of irrelevancy, and not being responsive to anything brought out on direct examination. Objection sustained.]

Q.—Since the thirtieth day of September, eighteen hundred and sixty-two, has there been coin at your office from which payments could have been made of warrants and checks presented for claims against the United States?

[Mr. Smith raises same objections as to previous question. Objection sustained.]

Q.—How many one thousand dollar notes, since February, eighteen hundred and sixty-two, have been paid into your office?

[Mr. Smith raises same objections as to previous question. Objection overruled.]

A.—I decline answering.

Q.—How many Legal Tender Notes had you on hand on the twenty-sixth of February, eighteen hundred and sixty-three?

[Mr. Smith raises same objections as to previous question. Objection sustained.]

Q.—When, if ever, did you cease payments in coin at your office?

[Mr. Smith raises same objections as to the previous question. Objection sustained.]

Q.—What number of troops on this coast are paid from your office?

A.—I decline answering.

Q.—State whether the amount paid to the troops from your office has been in coin or in Legal Tender Notes?

A.—I decline answering.

Q.—To whom would the sixty-three thousand dollars tendered by the State Treasurer of California in September, eighteen hundred and sixty-two, have been paid, had it been paid in coin?

A.—I decline answering.

Q.—To whom would the one hundred and eighty-three thousand dollars tendered by the State Treasurer of California in January, eighteen hundred and sixty-three, have been paid, had it been in coin?

A.—I decline answering.

Q.—Since August, eighteen hundred and sixty-two, has there been a time in which there were no Legal Tender Notes in your office?

[Mr. Smith objects on the grounds of irrelevancy, and not being responsive to anything asked on direct examination. Objection sustained.]

Q.—Have you at any time been instructed by the Secretary of the Treasury not to receive Legal Tender Notes?

A.—I decline answering.

Q.—With whom, on the thirtieth of September, eighteen hundred and sixty-two, did you consult relative to the receipt of Legal Tender Notes from the State Treasurer?

A.—I decline answering.

Q.—Did you consult with anybody in reference to that matter on that day?

A.—I decline answering.

Q.—Did you notify the Secretary of the Treasury that the State Treasurer of California had, in January, tendered payment in Legal Tender Notes?

A.—I decline answering.

Q.—Did you receive any instructions from the Secretary of the Treasury subsequently thereto?

A.—I decline answering.

Q.—How much of coin has been paid out from your office since September thirtieth, eighteen hundred and sixty-two?

[Mr. Smith objects, on the ground of irrelevancy. Objection sustained.]

Q.—Since September thirtieth, eighteen hundred and sixty-two, have any Legal Tender Notes been paid out from your office?

A.—I decline answering.

Q.—Have soldiers been paid since September thirtieth, eighteen hundred and sixty-two, from your office?

[Mr. Smith objects, on the ground of irrelevancy. Objection overruled.]

A.—I decline answering.

Q.—Has there been any time since August, eighteen hundred and sixty-two, in which you had no Legal Tender Notes with which to make payments from your office?

[Mr. Smith objects, on the ground of irrelevancy. Objection sustained.]

Q.—What was your communication, if any, to the Secretary of the Treasury, after the tender made by the State Treasurer of the one hundred and eighty-three thousand dollars, in January, eighteen hundred and sixty-three?

A.—I decline answering.

Q.—Did you have any communication with him regarding that tender?

A.—I decline answering.

Q.—Since September thirtieth, eighteen hundred and sixty-two, have you at any time failed to make payments from your office for want of funds?

[Mr. Smith objects, on the ground of irrelevancy. Objection sustained.]

Q.—Have any payments been made from your office since September thirtieth, eighteen hundred and sixty-two, in any currency other than Legal Tender Notes?

A.—I decline answering.

Q.—Is the rule at your office at present, and, if so, how long has it been, to pay out only United States Notes?

[Mr. Smith objects, on the grounds of irrelevancy, and not being responsive to anything asked on direct examination. Objection overruled.]

A.—I decline answering.

D. W. CHEESMAN.

Sworn and subscribed to before me, this twenty-fourth day of March, eighteen hundred and sixty-three.

J. W. OWEN, Chairman.

TESTIMONY OF D. R. ASHLEY.

D. R. Ashley, sworn and examined:

Q.—At what date did you determine to exchange California's quota of the Federal direct tax from coin into Legal Tender Notes, and if with any person, with whom did you consult in reference thereto?

A.—The first idea that I had of California paying her quota of the direct tax otherwise than in coin or other money than that received by the State, was about June, eighteen hundred and sixty-two, when, in conversation with Governor Stanford, we mutually discussed the propriety of offsetting California's claim for Indian War Debt against the portion of direct tax due from California; the offsetting of claims due to States having been provided for in the Act of Congress levying the

tax. In the conversation we came to the conclusion that it could not be done, because the amount due had been audited by the United States officers to the original claimants, and not to the State. Governor Stanford and myself, at no time previous to the first payment, had conversation in reference to the use of Legal Tender Notes; and at the time of our said conversation, Legal Tender Notes had not appeared in California to an extent sufficient to attract any serious attention; but soon after, it was mooted that they were not receivable for State taxes, and knowing that that question might perhaps in the first instance be raised at my office in the receipt of payments from County Treasurers, and not wishing to act on my own responsibility entirely in the matter, on the twenty-second day of July, eighteen hundred and sixty-two, I requested the opinion of the Attorney-General of the State in reference to the matter, it being his duty under the law to give his opinion, when requested, concerning the duties of my office.

[A copy of my communication to the Attorney-General is hereto annexed, marked J.]

To this communication I never received any reply. County Treasurers were continually writing me as to my decision in the matter, so they might know how to act in receipt of taxes. Among others, which is a fair sample of the communications received, is one from E. P. Hart, Deputy County Treasurer of Tulare County.

[A copy of which is hereto annexed, marked K.]

I, for some days, awaited the reply of Attorney-General Pixley, but not receiving it, and knowing the urgency of the matter, and believing that said notes were receivable for a certain portion of the taxes, which belief is founded on the reason set forth in my annual report for eighteen hundred and sixty-two, to which I refer for the same, I did, on the thirtieth day of July, eighteen hundred and sixty-two, answer Mr. Hart.

[A copy of my answer is hereto annexed, marked L.]

I instructed the Clerks in my office to act upon this rule, but no payments were offered in notes until the Treasurer of the City and County of San Francisco, on making his settlement in August, eighteen hundred and sixty-two, offered, in part payment, Legal Tender Notes to the amount of one thousand five hundred and seventy dollars, which he stated he had received from the Collectors for Federal Poll Tax, levied under the law of this State. The Supreme Court not having decided the case of Perry vs. Washburn, I was forced to act upon my own opinion of the law in the case, and received the notes. These were the only notes received from County Treasurers previous to the first payment I made the United States. On the first day of September, eighteen hundred and sixty-two, having on hand the sum of sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, including said notes, for payment to the United States, and knowing the urgency of making the payment during the month of September, in order to save the ten per cent deduction allowed to the State on payments made during that month, I addressed the Assistant Treasurer of the United States a communication.

[A copy of which is hereto annexed, marked M.]

I expected that the Assistant Treasurer would receive the money at my office, in which case he would have received the same money I had received; but wishing also to have the opinion of the Attorney-General as to what was properly my duty, I again, on the first day of September, eighteen hundred and sixty-two, addressed him a communication.

[A copy of which is hereto annexed, marked N.]

To this communication I never received any answer from the Attorney-General. On the sixth of September, eighteen hundred and sixty-two, I received from the Assistant Treasurer of the United States a communication, [a copy of which is hereto annexed, marked O.] in which he declined to receive the money in Sacramento. Thus, I found that as Mr. Cheesman would not come to Sacramento to receive the money, the payment could not be made, and the State would lose the deduction allowed by the United States unless, under the law directing me to make payment, I could take money out of the State Treasury, and make the payment at San Francisco. If the warrant were drawn in favor of Mr. Cheesman, the Assistant Treasurer, it would be payable at my office, and the moment it was paid it would become money in his hands as an officer of the United States, and I would have no right to do anything more with it. But this state of affairs did not arise, because the Assistant Treasurer of the United States never applied to the Controller for any warrant, as I understand, and would not receive the money from me at my office. A little before Mr. Cheesman answered me of the date of September sixth, eighteen hundred and sixty-two, I called at his office to personally consult with him as to the matter, but his Clerk or Cashier told me that Mr. Cheesman had gone to Butte County, but that he (the Cashier) knew that Mr. Cheesman would not receive the money at Sacramento, and subsequently to the payment I made, Mr. Cheesman told me the statement made by his Clerk was correct. As the law directed me to make payment at San Francisco, and as I could not do so without the money being drawn from the Treasury and placed in my hands, I, on the eighth day of September, eighteen hundred and sixty-two, addressed a communication to the Controller.

[A copy of which is hereto annexed, marked P.]

On the ninth of September, eighteen hundred and sixty-two, the Controller answered my communication.

[A copy of which is hereto annexed, marked Q.]

I was not satisfied with the suggestions of the Controller, because, in that way, the payment not being made in September, the State would lose the ten per cent deduction allowed by the United States, and, further, I had not then concluded to make payment in notes. Not having the money in my hands, I would make no exchange of the same, nor for a moment entertain the idea of exchanging any moneys while the same were in the State Treasury for other currency, and I never did so. Then, as the necessity of making payments in September was urgent, and as the Controller deemed the law authorized him to do everything necessary, so far as his office was concerned, to enable me to make payment at San Francisco, he drew a warrant for the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, [a copy of which warrant is hereto annexed, marked R.] which warrant was paid, and the money came into my hands all in coin, except the one thousand five hundred and seventy dollars before spoken of. At that time I had not determined to make any exchange for Legal Tender Notes. Shortly after, being in San Francisco, I then consulted the laws of the United States and of this State, and formed my opinion that the payment to the United States could legally and properly be made in Legal Tender Notes of the United States. Not willing entirely to trust my own judgment, but having confidence in it, I requested Messrs. Patterson & Stow, of San Francisco, to examine the subject and give me their opinion. They did so, which opinion was to the same effect as my own. I then determined, as I could make a saving to the State, additional to the deduction

allowed by the United States, to make the payment in notes. As notes were not plentiful at that time, I found that if I attempted openly to make the exchange at San Francisco, it would raise the price of notes. I made arrangements with S. Wormser, that if he could furnish me the amount of notes needed I would take them in exchange for coin at the rate of ninety-two and four-fifths cents on the dollar. This was made upon the basis that he might possibly be able to get the notes at nine (9) per cent discount, which I could not do, as not being a dealer in notes, my openly dealing in them to the amount needed, in San Francisco, would cause a great rise in their exchangeable value. I took the amount to San Francisco, and exchanged the amount stated in my annual report for the amount of notes stated in the same report, to which I would refer. I first determined upon making the exchange after the money came into my hands under the warrant drawn by the Controller.

Q.—On the ninth day of September, eighteen hundred and sixty-two, you have said that you received a letter from the Controller, in substance advising you to withhold making payment of any portion of California's quota of the Federal direct tax until the month of November, and then make payment of the same in United States Legal Tender Notes. Did you not, prior to that time, have personal conference with the Controller of the State as to the propriety of exchanging the coin in your hands of California's quota of the Federal direct tax into Legal Tender Notes, and if so, state when, and where, and the substance of such conference?

A.—Previous to that time, I think the Controller and myself had no conversation on the subject, and we never had any conversation concerning the changing of the money until after it came into my hands under the warrants. Subsequently to the ninth of September, eighteen hundred and sixty-two, the Controller several times spoke to me about the matter, and I never informed him what I would do about the matter; and never determined myself what I should do, until the time I before stated.

Q.—At what time did the warrant for the first payment, viz: sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents come into your possession?

A.—I think it was on the day it was drawn, or the next day.

Q.—State in whose favor that warrant was drawn, and whether or not, after the warrant came into your possession, any alteration was made in the body of it; and if any alteration was made, by whom such alteration was made?

A.—The warrant itself, of which I furnished a copy, shows in whose favor it was drawn. There was never any alteration after it came into my possession, to my knowledge.

Q.—Were you consulted by the State Controller as to the manner of drawing that warrant, before the same was drawn?

A.—I do not recollect that I was ever *consulted* or *advised* with by the Controller, but, in some conversation with him, I think I told him that I knew of no way in which the money could be drawn and the payment made in time to save the per centage to the State, unless it was drawn in a similar manner to the warrants for payment of interest on the State debt; which were drawn in favor of the Treasurer, and the money by him paid over to the holders of the coupons.

Q.—State whether or not the Controller delivered the warrant directly into your hands?

A.—It was delivered directly to me in the Controller's office.

Q.—Did you not see that warrant prior to its final delivery to you; and if so, state whether or not it was payable to you alone?

A.—I don't recollect that I ever saw it until it was delivered to me and I took it away.

Q.—State whether or not, at that time, any alteration was made in the body of the warrant?

A.—I do not recollect of any alteration at any time being made.

Q.—State generally the nature of the reasons urged by the Controller in his conversations with you respecting this exchange?

A.—The Controller said to me that, in his opinion, I ought to make payment in Legal Tender Notes, as by that means a saving of money could be made to the State, and, as the notes were receivable by the United States, that I ought to act for the State as I would for an individual I might be acting for; that is, to the best interest of the party by whom I was employed.

Q.—In any conversation with the State Controller, did he make any proposition or suggestion to you as to the mode or manner of procuring such Legal Tender Notes?

A.—As to the procurement of the notes for the first payment, he never did. Subsequently to the first payment, as notes were high in California, I think he said to me at one time that it would be good policy to get the notes at the East, and my immediate reply to him was, that I should make no such arrangements; and he suggested no party, to my recollection, through whom any transaction should be made. This was a casual conversation, and I do not recollect that it covered any other points. I was averse to holding conversations with parties concerning the mode of making any exchange, or with whom, because I feared that if it became public that I desired such a large amount of Legal Tender Notes it would affect their value so as to prevent my making as favorable an exchange as I otherwise could.

Q.—How happens it that the Controller of State drew his warrant for the payment of California's quota of the Federal direct tax in favor of you, as Treasurer of State, when the law required that it should have been drawn in favor of the Assistant Treasurer of the United States; and how happens it that the warrant was delivered to you?

A.—Because in that mode only could the payment be made at the time, and the law required me to make the payment at San Francisco, for which reason I received the warrant and the money.

Q.—Upon that point, did you and the State Controller consult prior to the drawing of the warrant?

A.—We had no consultation, but had simply, at different times, talked of the necessity of the payment being made in September.

Q.—Did you ever suggest to the Controller the form, or any part of the form of said warrant, as to the manner in which it should be drawn, prior to the drawing thereof?

A.—I made no suggestion further than as I before stated.

Q.—Did you ever consult personally with the Attorney-General of this State as to the right or propriety as to exchanging any portion of California's quota of the Federal direct tax from coin into Legal Tender Notes?

A.—I held no formal consultation with him.

Q.—The Attorney-General, being the legal adviser of the officers of this State, how happens it that in reference to this matter you did not consult and advise with the Attorney-General, instead of consulting and

advising with the law firm of Patterson & Stow, at San Francisco, at your own private expense?

A.—As before stated, I had asked the advice of the Attorney-General upon the matter of Legal Tender Notes, and he had not given me any opinion on that point; and as to this matter of exchange, I thought from remarks that I had heard him make, that, in his opinion, it could properly be done, but the chief reason was that I had great confidence in any opinion Mr. Patterson might give.

Q.—You have said that one reason for your not consulting with the Attorney-General on this matter was, you thought from a remark he had made that such exchange could be properly made. What was that remark, and when and where made?

A.—I do not recollect the form of the remark, but only the conclusion that I drew from it. It was at my office, one day in August, eighteen hundred and sixty-two. Many persons spoke of the propriety of making payments in Legal Tender Notes, whom, I do not now particularly recollect, but I recollect simply the effect of and the conclusions drawn from those remarks.

Q.—Did you obtain the impression from what Mr. Pixley said, that he believed it to be legal and proper to make a payment to the United States in Legal Tender Notes of California's quota of the Federal direct tax?

A.—I simply received the impression, as I have before stated, that he considered it would be proper and right, but I never directly asked him his opinion.

Q.—How do you enter warrants in your office—in one or more books?

A.—The payments of warrants are first entered on the Cash Book, which serves as a Blotter; subsequently journalized, and entered in the Ledger.

Q.—In the months of August or September, eighteen hundred and sixty-two, did you hold an interview with any person, or were you present at an interview between any parties, at the corner of J and Eighth streets, in this city, when the subject of such interview was concerning the exchange of any portion of California's quota of the Federal direct tax from coin into Legal Tender Notes, and, if so, state the substance of the conversation and the circumstances relating to it?

A.—I never was present, and do not recollect of any conversation in Sacramento concerning any exchange to be made.

Q.—Do you know of any interview or conversation having taken place at the corner of J and Eighth streets, between any parties, in relation to the procurement of Legal Tender Notes for the purpose spoken of, in the months of August or September, eighteen hundred and sixty-two, or any time since that period?

A.—I do not. I always declined having any conversation or making any arrangements as to procuring the notes at this place.

Q.—With whom did you make arrangements to procure the Legal Tender Notes for the purpose of making the first payment to the United States Assistant Treasurer, and when, and where?

A.—As I have before stated, I arranged to exchange for the notes with S. Wormser, at San Francisco. I do not recollect the exact date, but it was the latter part of September, eighteen hundred and sixty-two.

Q.—Did you apply to any other party besides S. Wormser, to procure said notes for you; if so, state to whom you applied?

A.—I did not apply to any other dealer in Legal Tender Notes. I had inquired as to prices, and found that I could not make purchases

near as advantageously as I expected at first, owing to the scarcity of notes in California, and made no application to any other broker, not wishing to have the market affected.

Q.—Of what broker did you inquire as to prices in San Francisco?

A.—I had inquired the price at Mr. Perry's, and found selling rates to be from eight to nine cents discount, although purchases made by them in small amounts, at the counter, were, I think, at ten cents. I stood by and saw some small transactions in that way, but I made no distinct inquiries in a manner to attract attention.

Q.—From whom did Wormser receive the coin in payment for the Legal Tender Notes by him purchased?

A.—I, myself, took the money necessary—about fifty-seven thousand dollars—to San Francisco, guarding it on the way in conjunction with Dr. Warren, who happened to be going down that day. Getting to San Francisco at night, I had to take the money to the Russ House, and having no safer way to keep it, placed it in their safe for the night. Next day I put it in the hands of W. W. Stow, as I could not personally be present with it all the time. Mr. Stow, I supposed, would put it in his safe, knowing that he had a good one in his office in which I had before kept money; but he, as I afterwards found, for greater security, placed it in the vaults of Donohoe, Ralston & Co., from which place it was paid out as the notes were delivered. I was told by Mr. Stow that he drew out the money on his checks, although I did not know it at the time.

Q.—What remuneration did Mr. Stow get for this service?

A.—Mr. Stow, being an old friend of mine, I had confidence in his integrity, and requested him to attend to this matter during the time I could not personally be present at San Francisco. We made no arrangement as to remuneration for that service specially, but Patterson & Stow charged me five hundred dollars for their opinion given me, and the service of Mr. Stow in this matter. I trusted Mr. Stow in taking charge of this money at my own risk, as I have to do with the Clerks in my office.

Q.—Did you deliver this money to Mr. Stow in the presence of any witnesses, or take any receipt or security for the money?

A.—No; Mr. Dyer may have been present, but I don't recollect.

Q.—When and under what circumstances did you make the first payment to the Assistant Treasurer of the United States?

A.—I went from Sacramento to San Francisco on the twenty-eighth or twenty-ninth of September, eighteen hundred and sixty-two, having come from there the day before, and received from Mr. Stow what notes he had on hand from Wormser and counted them, and also received others from Wormser and counted them, making in all the sum of sixty-three thousand eight hundred and forty dollars, which, being the amount to be paid to the United States, I tendered the same to the United States Assistant Treasurer, at San Francisco, on the thirtieth day of September, eighteen hundred and sixty-two. The circumstances of that tender, and of his refusal that day to receive the notes, are set forth in my annual report for eighteen hundred and sixty-two, to which I refer for full facts. On the eighth day of October, eighteen hundred and sixty-two, having seen in the San Francisco papers that the Assistant Treasurer of the United States had been directed to receive the notes I had tendered, I immediately sent the Assistant Treasurer notice that I was ready to make payment.

[A copy of which notice is hereto annexed, marked R.]

He, within half an hour, answered that he would receive the payment, and that he had the day before sent word to me at Sacramento to that effect.

[A copy of which notice is hereto annexed, marked S.]

On making the payment, I requested a receipt specifying the deduction allowed to California on the payment, [a copy of the receipt requested is hereto annexed, marked T,] but the Assistant Treasurer refused to give a receipt in that form. He then gave a receipt for sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, which was the total amount California had on hand to pay at that time, and the same amount I received under the order of the Controller to pay to the United States.

[A copy of the last mentioned receipt is hereto annexed, marked U.]

I, after making this payment, in my next monthly report to the Controller, as required by law, made a full statement of my proceedings in the matter, which will be found in my annual report for eighteen hundred and sixty-two.

Q.—State the time of your last payment to the United States Assistant Treasurer, the mode and manner of the payment, of whom you purchased the Legal Tender Notes, at what rates purchased, when purchased, and all and every of your connection with said transaction.

A.—Immediately after the first payment being completed, on the eighth day of October, eighteen hundred and sixty-two, finding that I was correct in the opinion that these notes were receivable by the United States, I desired to make provision for a sufficient amount of them to complete the next payment. It being a large sum, I deemed it necessary to take all the time possible to secure them in San Francisco. I had inquiries made, through W. W. Stow, at what rate parties would agree to furnish them. No parties were found willing to do it at less than ninety cents on the dollar for the notes. I was desirous of making a better arrangement, and Mr. Stow finally proposed that he would venture to furnish them at eighty-eight cents on the dollar. This was somewhere about the eleventh or twelfth of October, eighteen hundred and sixty-two. On the ninth of October, eighteen hundred and sixty-two, Mr. Stow wrote me a letter concerning the price of notes, and of his inability to procure them of other parties then at less than ninety cents.

[A copy of this letter is hereto annexed, marked V.]

At that time I expected that the settlement of the County Treasurers in November would furnish money enough by the middle of the month to pay the balance due to the United States, and hence, that the payment could be made by the middle of November or the first of December, and the amount required being so large, I thought it none too soon to have a party making arrangements to furnish the notes; and so after receiving Mr. Stow's letter I went to San Francisco and he made me the proposition aforesaid, and finding, after consideration, that I could do no better, I accepted the same, it being understood that I was to furnish no money until the notes were ready to be delivered. At the November settlement of the County Treasurers, sufficient money did not come in to make the payment, and so it was delayed much longer than was anticipated. For the purpose of securing money enough for this payment, and also of putting as much as possible in the General Fund to pay general indebtedness of the State, several County Treasurers were required to make extra settlements in December. This

furnished the amount of money required. Of the money paid into the Treasury a portion was in Legal Tender Notes. Upon the first offer of Legal Tender Notes to me in November I suspended receiving them until I called upon the Attorney-General for his opinion, which I did on the eighteenth day of November, eighteen hundred and sixty-two, in a letter.

[A copy of which is hereto annexed, marked W.]

On the twenty-fifth day of November, eighteen hundred and sixty-two, I received Attorney-General Pixley's answer, to the effect that the notes were receivable, and that such notes were receivable by the United States for California's quota of the Federal direct tax.

[A copy of this answer is hereto annexed, marked X.]

Other notes were offered by other County Treasurers, received for Federal Poll Tax, etc., for Swamp and School Lands, etc., and on the receipt of the Attorney-General's last mentioned answer, on the twenty-fifth of November, I asked his opinion as to the receipt of the other notes offered.

[A copy of my communication to him is hereto annexed, marked Y.]

I received the answer of the Attorney-General, dated November twenty-eighth, advising me that the notes were receivable.]

[A copy of his letter is hereto annexed, marked Z.]

I suspended settlements with the County Treasurers who presented notes, until the amount of notes offered had reached the sum of twelve thousand seven hundred and seventy dollars, and the coin accompanying these notes from the County Treasurers, and which could not be paid into the Treasury until the notes were received or rejected, amounted to the sum of two hundred and forty-four thousand nine hundred and seventy-nine dollars and one cent. Then this being the whole amount of notes paid in before the first of January, eighteen hundred and sixty-three, I received them; a full account of which will be found in my monthly report to the Controller for February, eighteen hundred and sixty-three. This left the amount, over and above those notes, to be paid to the United States, one hundred and seventy thousand eight hundred and thirty-six dollars and ten cents. .

Q.—State what portion of the twelve thousand seven hundred and seventy dollars. Legal Tender Notes, received by you from the County Treasurers, was paid by said Treasurers as part of the Federal direct tax received by them, and what portion was paid in as received by them for Swamp and Overflowed Land sales, and School Land sales?

A.—The orders for receiving money come from the Controller, and I do not know the basis of his distribution, officially or otherwise, but when the Controller's order had enough to the different Funds, payable in notes, as decided by the Attorney-General, to cover the amount of notes offered by the County Treasurer, I received the notes, having no authority to force the County Treasurers to show me whence they received the notes. I did inquire of them, and the most of them made the answer that they had received them for the Federal Tax. A small amount was by them said to have been received for Swamp and School Lands, and some of them made no answer at all, insisting that the notes were receivable, and intimating that I was rather impertinent in making such inquiries. The receipts were all counted as money, and so appear on the books; no distinction there appearing as to the notes received than there is as to the *silver* received; but I have no doubt that at least three fourths of this sum received in notes was stated by the County Treasurers to me to have been received for the Federal Tax.

Q.—Please state, if you can, the names of the County Treasurers, and the amount of Treasury Notes severally received from them.

A.—I don't know the names of the County Treasurers, but I received in notes, and used in the first payment, from San Francisco County, one thousand five hundred and seventy dollars. I received in notes, used on the second payment, from—

San Francisco County.....	\$4,930
San Francisco County.....	1,360
Marin County.....	20
Santa Cruz County.....	2,700
San Mateo County.....	2,745
Humboldt County.....	320
Alameda County.....	115
Sacramento County.....	580

These notes were offered in November and December, eighteen hundred and sixty-two, and I accepted them some time in December.

Q.—At the time you received those notes, to what Funds did you credit them. If to different Funds, state what proportion to the School Land Fund, what proportion to the Swamp Land Fund, and what proportion to the Federal Direct Tax Fund?

A.—They were received as *money*, and not credited as *notes* to any particular Fund. Since making my foregoing answer as to the proportion offered for Swamp and School Lands, upon further reflection, I am satisfied that not more than one tenth was offered on payments for such lands. The notes were never apportioned to different Funds; they were paid into the Treasury as other money, and all moneys kept in bulk; each Fund being entitled to its portion of the money in the Treasury, as shown by the books. A fair sample of this would be what occurs almost daily in the office, of money coming in for stamps and other purposes, belonging to the General Fund, being immediately paid out upon warrants drawn upon the School, or any other Fund. The money is all there.

Q.—If, as you state, you made no distinction upon your books between Treasury Notes and coin paid to you by County Treasurers, how can you state the gross amount of Treasury Notes received by you from County Treasurers, and the separate amounts received from each Treasurer, as you have heretofore done?

A.—Simply because I happen to know, and I know because when these moneys and notes were presented at my office first they were not paid into the Treasury, as I had not determined upon the receipt of the notes, but the County Treasurers left their coin and notes for safe keeping in my hands, and the sum being so large, made up from deposits made by various County Treasurers, I kept a private memorandum for convenience, to know to whom the different bags of money and bundles of notes belonged. The Treasurer's office had nothing to do with the coin or notes until paid in after I had finally determined to receive the moneys.

Q.—If these Treasury Notes were paid in as so much money, on the order of the Controller, how is it that you can determine what amount was receivable from sales or interest upon Swamp Lands or School Lands, or from Federal direct tax collections?

A.—The Controller, in his order, never specifies what particular money shall be paid into any particular Fund, and I did not in my former answer assume to have any means of information further than the statements made to me by the County Treasurers, and as to what those statements were, I have to trust to memory only, because I have no written memorandum.

Q.—Do the books of your office show the amount of Legal Tender Notes you received and credited to the Federal Tax Fund?

A.—I have answered before that in the books at my office the notes were entered as money, and that no entry was made of them as notes.

Q.—If as representative of money, state what amount of Legal Tender Notes was placed to the Federal Tax Fund, what amount to the School Land Fund, and what amount to the Swamp Land Fund?

A.—They were not received by me as the *representative* of money, but as *money*; and when the amount of coin and Legal Tender Notes offered by a County Treasurer was equal to the sum he was ordered by the Controller to pay in, the whole was received as money, and receipt given in that manner.

Q.—Have you any means of knowing what proportion of the amount of Legal Tender Notes paid in by the different County Treasurers of the State was received by them on collection of Federal direct tax; and if so, state the source of your knowledge, and whether by any books in your office that fact can be determined.

A.—I never had any authority by law to require the County Treasurer's to advise me from what sources they received the money they offered to me, and I know nothing of those sources other than their voluntary statements made to me as I have before stated; and the books in my office only show the receipt of so much money, and do not show anything of Legal Tender Notes as notes. I have stated the amount of notes received, and from whom received, and those parties paying them in can answer whence they received them, but of my own knowledge I cannot.

Q.—If you did not know from what source as to State dues, taxes, or otherwise, these Legal Tender Notes came, or to what particular Fund they belonged, how happens it that you placed them all to the credit of the Federal Direct Tax Fund. I mean as to the twelve thousand seven hundred and seventy dollars, and how happens it that you paid the same over to the Assistant Treasurer of the United States?

A.—I have not stated that the notes were placed to the credit of any particular Fund, but they were offered by the County Treasurers, in their payments under the orders of the Controller, which orders showed a sufficient amount, belonging to the Federal Tax Fund, to cover the amount of money paid in notes, and when the money was received by me under the Controller's warrant to enable me to make payment to the United States, I received those notes in part payment of the warrant, because I knew that the Government to which I was to make payment had made them money, used them as such, and would receive them; whereas, other parties having warrants upon the State Treasurer might complain if I offered the notes to them.

Q.—What do you mean by the term, order of the Controller, in regard to your receiving funds of the different County Treasurers, and state the form of such order?

A.—By Controller's order, I mean the Controller's order, as provided by law, without which money cannot be paid into the State Treasury. I cannot draw a fac simile of the order, but its substance is, that the

State Treasurer will receive a certain sum of money from a certain person, and below it there is a schedule, showing the distribution of that gross sum between the different Funds.

Q.—Did you, or did you not, at the time you made these payments to the United States Assistant Treasurer, take all these Legal Tender Notes in your office to make the payment of California's quota of the Federal direct tax?

A.—The only source from which I received Legal Tender Notes was from County Treasurers, under orders of the Controller, which Legal Tender Notes were part of the moneys in my office, and when I paid the warrants drawn to enable me to make payment to the United States, I paid out whatever of Legal Tender Notes was on hand.

Q.—State whether the one hundred and seventy thousand eight hundred and thirty-six dollars and ten cents, previously referred to, was in coin; and if so, whether you paid it in coin, or made any exchange thereof; and if such exchange was made, the circumstances connected with it?

A.—All the money in my hands was in coin, except the amount of notes before stated. Pursuant to the arrangements I made with Stow, I then, after the Controller drew his warrant, on the twenty-seventh of December, eighteen hundred and sixty-two, notified Mr. Stow of the amount of money I would want in Legal Tender Notes, and having received payment of said warrant, I took the money necessary to use to San Francisco, through Wells, Fargo & Co.'s Express, it being so large an amount that I was unwilling to take charge of it myself. I then, on the second day of January, eighteen hundred and sixty-three, when Mr. Stow was ready to deliver the notes, paid him for the notes the price agreed upon—eighty-eight cents on the dollar; that is, I exchanged one hundred and fifty thousand three hundred and thirty-five dollars and sixty-eight cents in coin, for one hundred and seventy thousand eight hundred and thirty six dollars in Legal Tender Notes, making a saving of twenty thousand five hundred dollars and thirty-two cents. At the time this exchange was agreed upon, as before stated, it was one way favorable to the State, but it did not take place as soon as expected, by reason of the failure of the County Treasurers to pay in, at their regular settlements in November, sufficient money with which to make the final payment; and the fluctuation in the exchangeable value between gold and Legal Tender Notes had, unexpectedly, made the difference shown between the rate at which they were furnished to me and that at which Mr. Stow himself had succeeded in procuring them; and partly, also, perhaps, to the fortuitous circumstance of William T. Coleman & Co. having such an amount come into their hands, as stated by Mr. Carlton. On receiving the notes, to the amount stated, on the second of January, eighteen hundred and sixty-three, I proceeded to the office of the United States Assistant Treasurer, at San Francisco, and tendered to him the amount placed in my hands, viz: one hundred and eighty-three thousand six hundred and six dollars and ten cents, which his Cashier then said must be sorted out, each denomination by itself, in sums of five hundred dollars or one thousand dollars each, before he would proceed to count the money, and that I could do it in a private room adjacent to the office. I went there, and with the assistance of Mr. Stow, did sort out and arrange the money in the manner requested, and again presented it in that form, about one o'clock and thirty minutes; P. M., of that day. The Cashier then said that, owing to some business engagements with other parties, they could not well count the money before the close of

business hours that day, that is, three o'clock, and Mr. Cheesman being present, said that he would not ask his Cashier to work a minute after business hours, but that I might present them at any time after nine o'clock, A. M., the next day, and they would proceed and count the money. To the uncourteous bearing and language used, I made no reply, but took the money away, and presented it the next day, about ten o'clock, A. M., when the Cashier proceeded to count it, and having counted one hundred and twenty-three thousand dollars, and taken another package to count, Mr. Cheesman entered the office, and told his Cashier to stop counting, for he had determined not to receive the payment. I then took the money away, and the Secretary of the Treasury at Washington was notified of the proceedings. I am informed that by telegraph, on the eighth of January, eighteen hundred and sixty-three, Mr. Cheesman was instructed to accept the payment as offered, but he took no steps in the matter as to receiving the payment, and his instructions were reiterated on the twenty-first of January, eighteen hundred and sixty-three, and still no action was taken by Mr. Cheesman until on or about the twenty-fourth of February, eighteen hundred and sixty-three, when he wrote me that he was ready to receive payment, and on the twenty-sixth of February, eighteen hundred and sixty-three, I made the payment to him as I had tendered it on the second and third days of January, eighteen hundred and sixty-three, and received his receipt for the same.

[A copy of which is hereto annexed, marked AA.]

The facts concerning this payment are detailed in my monthly report for the month of February, eighteen hundred and sixty-three, to which report I refer.

[A copy of the warrants spoken of, drawn by the Controller, on which these payments were made, are hereto annexed, marked BB and CC.]

In all this transaction I was actuated by no mercenary motive, never received any personal benefit whatever, nor did I intend any to any other party than the State, further than was necessary to enable me to make the exchange; and there is not now, nor has there ever been, any expectation of advantage to myself from this transaction. I entered upon it from my own convictions of its correctness in all its bearings, and not from any solicitations of others; nor is there now, nor has there ever been, any arrangement or understanding, direct or implied, by which I was or am to receive any portion of the profits arising out of the transaction.

Q.—State the amount of profits arising out of the first payment, and also the amount arising out of the second payment?

A.—The entire saving made at the first payment in coin was four thousand four hundred and eighty-six dollars and thirty-nine cents; the per centage saved by my act of making payment in September, seven thousand ninety-three dollars and twenty-five and two third cents; the saving made in coin on the last payment was twenty thousand five hundred dollars and thirty-two cents. My entire expenses in this matter were seven hundred and twenty-six dollars and seventy-one cents, which includes four hundred and twenty-four dollars and eighty cents paid to Messrs. Patterson and Stow for legal advice and service concerning this matter. Their charge was five hundred dollars, but when I came to pay them I had only the amount stated, which I could spare, and it was accepted in satisfaction of the charge. The entire saving in coin on both payments was the sum of twenty-four thousand nine hundred and eighty-six dollars and seventy-one cents, out of two hundred and thirty-three thousand one hundred and five dollars and forty-one cents I received in

coin, which is a little over ten per cent on the coin I received. Deducting my expenses from the coin saved, leaves the nett sum of twenty-four thousand two hundred and sixty dollars, to which add seven thousand ninety-three dollars and twenty-five cents for per centage saved on the first payment, and it makes the total amount saved in coin and per centage thirty-one thousand three hundred and fifty-three dollars and twenty-five cents. The amount I paid Messrs. Patterson & Stow for their legal opinion, I considered very reasonable, it being a matter involving over two hundred thousand dollars, and the profits saved to the State being, as before stated, twenty-four thousand two hundred and sixty dollars nett, over and above the deduction allowed by the United States. I have proposed to deduct my expenses, because I consider it simple justice, and aside from that everything saved was intended for the benefit of the State, and is now, and has all the time been, since I received it, subject to the disposition of the State. I have all the time kept it in the vault of the State Treasury, and I have never refused to tell, or hesitated in telling, that I intended all the saving I made to be for the benefit of the State.

Q.—Do you mean to be understood to say that you paid Patterson & Stow their fee in this matter, as for Counsel, out of the funds belonging to California's quota of the Federal direct tax?

A.—I paid all of the expenses from my own money, and only proposed, since knowing the amount of actual expenses I incurred, to retain that sum out of the amount I had saved.

Q.—State the amount and character of your expenses thus alluded to?

A.—Travelling expenses to San Francisco in making the first payment, and transportation of money, one hundred and ten dollars and fifty cents; paid Patterson & Stow, four hundred and twenty-four dollars and eighty cents; paid Wells, Fargo & Co., for transportation of money at second payment, one hundred and fifty dollars; travelling expenses in making second payment, forty-one dollars and fifty cents—total, seven hundred and twenty-six dollars and eighty cents.

Q.—Now state the gross amount of saving arising out of both payments, independent of the ten per cent saved the State by its payment in September, and whether the same is now in the vaults of the State Treasury?

A.—It is the same amount I have before stated, and it is in the vaults of the State Treasury.

Q.—In whose hands was deposited the one hundred and eighty-three thousand dollars of Legal Tender Notes, between the time you made the tender, on the second of January, eighteen hundred and sixty-three, and the time you made the payment of the same to the Assistant Treasurer of the United States?

A.—I had Mr. Stow take charge of them, as I could not be carrying them back and forth between San Francisco and Sacramento, on account of the danger and expense of transporting that amount of money.

Q.—Please state whether the twenty-four thousand nine hundred and eighty-six dollars and seventy-one cents, saved by you in the exchange of California's quota of the Federal direct tax from coin into Legal Tender Notes, has ever been credited to any Fund in this State; and if it has, to what Fund, and if not, why not?

A.—I have stated that fully in my reports; but, in brief, it has not been placed in any Fund, because I have no right to place money in any Funds except on order from the Controller, and this money saved could

not be placed in any Fund, properly, until direction was had from the Legislature.

Q.—Did you ever personally apply to any broker other than Wormser, in the City of San Francisco, to procure the amount of Legal Tender Notes by you required for the several payments by you made; and if so, name the brokers?

A.—I never applied to any person personally except W. W. Stow and S. Wormser, as before stated.

D. R. ASHLEY.

Sworn and subscribed to before me, this twenty-fifth day of March, eighteen hundred and sixty-three.

J. W. OWEN, Chairman.

APPENDIX.



EXHIBITS, ETC.

[A]

[Copy.]

OFFICE OF THE ASSISTANT TREASURER, U. S. }
San Francisco, Cal., Sept. 6th, 1862. }

Hon. D. R. Ashley, Treasurer California :

SIR :—Your letter advising me that you have on hand \$63,839 36, payable to me as part of the Federal tax assumed by this State, was duly received. I regret that no provision is made by State law for transportation of this money to San Francisco. I have no authority to make such provision, or to receive the money elsewhere than at my office.

The Act of Congress under which this tax is imposed evidently contemplates that any State assuming to pay its quota thereof shall pay the same "into the Treasury of the United States," and the Act of our State Legislature in this behalf provides that "the Treasurer of State is hereby directed to pay over to the Assistant Treasurer of the United States, at the City of San Francisco," etc.; and that they made no provision for the transportation of the moneys to this city was doubtless owing to an oversight, and any costs which you may necessarily incur in such transportation will, I doubt not, be promptly provided for by the Legislature.

I am ready to receive and receipt for such money on the part of the Federal Government, and I am sure that you will take great pleasure in promptly paying the same into the Treasury of the United States, in the manner contemplated by law.

Respectfully yours,

D. W. CHEESMAN,
Asst. Treasurer U. S.

[B]

[NOTE.—A receipt prepared by Mr. Ashley for Mr. Cheesman to sign, is referred to on page 37 as being annexed, marked B. No copy of the document was received by the State Printer.]

[D]

[Copy.]

OFFICE ASSISTANT TREASURER, U. S. }
 San Francisco, Oct. 7th, 1862. }

D. R. Ashley, Esq., State Treasurer, Sacramento :

SIR :—I am authorized to receive Legal Tender Notes for direct tax.

Respectfully yours,

D. W. CHEESMAN,
 Asst. Treasurer U. S.

[E]

[Copy.]

OFFICE OF THE ASSISTANT TREASURER, U. S. }
 San Francisco, Cal., Oct. 7th, 1862. }

Hon. D. R. Ashley, Treasurer State of California, Sacramento :

SIR :—I have the honor to inform you that I am authorized by the Honorable Secretary of the Treasury, United States, (as per telegram,) to receive Legal Tender Notes in payment of direct tax, of which I advised you by telegraph this morning.

Respectfully yours,

D. W. CHEESMAN,
 Asst. Treasurer U. S.

[F]

[Copy.]

OFFICE OF THE ASSISTANT TREASURER, U. S. }
 San Francisco, Cal., Oct. 8th, 1862. }

D. R. Ashley, Esq., Treasurer California :

SIR :—Yours of this date is at hand. On yesterday I telegraphed to you at Sacramento, and also addressed you by mail, that I was in receipt of instructions from the Secretary of the Treasury, United States, authorizing me to receive Legal Tender Notes United States, on account of the direct tax for California.

Respectfully yours,

D. W. CHEESMAN,
 Asst. Treasurer U. S.

[G]

[Copy.]

OFFICE OF THE ASSISTANT TREASURER OF THE UNITED STATES, }
 San Francisco, California, October 8th, 1862. }

I certify that D. R. Ashley, Treasurer of the State of California, has this day deposited to the credit of the Treasurer of the United States sixty-three thousand eight hundred thirty-nine and thirty-one one hundredths dollars, on account of direct tax for the State of California. This amount was tendered to me on the thirtieth September last, in Legal Tender Notes United States, but not received until instructed by the Secretary of Treasury United States on the seventh instant, for which I have signed triplicate receipts.

[\$63,839 31.]

D. W. CHEESMAN,
 Assistant Treasurer United States.

[H]

[Copy.]

OFFICE OF THE ASSISTANT TREASURER UNITED STATES, }
 San Francisco, California, February 24th, 1863. }

Hon. D. R. Ashley, Treasurer State of California :

SIR :—I am advised that the Honorable Secretary of the Treasury United States has written me authorizing the receipt of United States Notes for direct tax. If you think best to make payment of the balance due on the State's quota of said tax in such currency, without awaiting further action of the Legislature, I shall hold myself ready to receive the same at any time.

Respectfully yours,

D. W. CHEESMAN,
 Assistant Treasurer United States.

[I]

[Copy.]

OFFICE OF THE ASSISTANT TREASURER OF THE UNITED STATES, }
 San Francisco, California, February 26th, 1863. }

I certify that D. R. Ashley, Treasurer of the State of California, has this day deposited to the credit of the Treasurer of the United States one hundred eighty-three thousand six hundred and six and ten one-hundredths dollars, on account of direct tax for the State of California. This amount was tendered to me on the third of January last in Legal

Tender Notes United States, but not received until further instructed by the Secretary of the Treasury United States, for which I have signed triplicate receipts.

[\$183,606 10.]

D. W. CHEESMAN,
Assistant Treasurer United States.

[J]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
July 22d, 1862. }

Hon. F. M. Pixley, Attorney-General:

SIR:—Will you give me your opinion officially whether the Legal Tender Notes of the United States are receivable for taxes levied under authority of the State of California; if any portion of such taxes are payable in such paper of the United States as is now a legal tender; and, if so, what class of tax may so be paid? further, if licenses and stamp duties, or either, may be paid in such paper.

An early reply will much facilitate the business of this department.

Yours, &c.,

D. R. ASHLEY,
State Treasurer.

[Never answered by the Attorney-General.—D. R. ASHLEY.]

[K]

TREASURER'S OFFICE, TULARE COUNTY, CALIFORNIA, }
July 21st, 1862. }

Honorable Treasurer of State, Sacramento City:

SIR:—Please inform me if the Treasurers of the different counties of this State are authorized to receive Treasury Notes from the Collectors on account of taxes, and if you will receive them from the Treasurers of the different counties in their settlement with the State.

Please give this your early attention, and oblige,

Very respectfully,

Your obedient servant,

E. P. HART,
Deputy County Treasurer.

[L]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
 July 30th, 1862. }

E. P. Hart, County Treasurer of Tulare County :

SIR:—Yours of the twenty-first instant I delayed answering a little, hoping first to get the opinion of the Attorney-General, which I had previously asked for. But as he has declined giving an opinion until the Supreme Court shall decide the question in a suit now instituted and pushed on for that purpose, and as it may be some time before the Court decides, meanwhile we must *act*. I think it not improper to say that in my opinion, in every case where our State law requires payments in coin, then the payment must so be made; but where the law requires payment of so much money, without specifying in what money, then Legal Tender Notes are receivable. This rule I think you will find sufficiently practical and definite; *e. g.* the second section of the Revenue Act provides that “all taxes levied under the provisions of this Act shall be paid in the legal coin of the United State,” etc., and coin must be paid for all those taxes. But the law levying the Stamp Tax says nothing about coin, and so stamps may be bought with notes; so, too. School and Swamp Lands may be paid for in notes, because the law providing for their sale does not prescribe coin payments. There are undoubtedly other cases where the notes must be received, which may easily be tested when the tender is made, by turning to the statute requiring or authorizing the payment. Until a judicial decision shall direct me otherwise, I shall follow the rule herein indicated, and in case it is of any use to you, it is entirely welcome.

Yours,

D. R. ASHLEY,
 State Treasurer.

[M]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
 Sacramento, Sept. 1st, 1862. }

United States Assistant Treasurer :

SIR:—As State Treasurer of California, I have on hand \$63,839 31 payable to you as part of the Federal tax assumed by this State.

No provision is made by State law for transportation of this money to San Francisco, and I call your attention to the fact that you may receive the money here if you deem proper.

Yours, &c.,

D. R. ASHLEY,
 State Treasurer.

[N]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
 Sacramento, September 1st, 1862. }

Attorney-General of California :

On page 207, L.L. 1862, of this State, I am required on the first of each month to pay to the United States Assistant Treasurer the money in my hands due on the National tax.

I have this day such money on hand, and am ready to pay it, but the United States Assistant Treasurer is in San Francisco, and no provision is made in our State law for the transportation of the money.

I desire your opinion as to the proper mode of payment, since I am loth at my own risk to take the money to San Francisco.

Yours,

D. R. ASHLEY,
 State Treasurer.

[O]

OFFICE OF THE ASSISTANT TREASURER U. S., }
 San Francisco, Cal., Sept. 6th, 1862. }

Hon. D. R. Ashley, Treasurer California :

SIR :—Your letter, advising me that you have on hand \$63,839 36, payable to me as part of the Federal tax assumed by this State, was duly received. I regret that "no provision is made by State laws for transportation of this money to San Francisco." I have no authority to make such provision, or to receive the money elsewhere than at my office. The Act of Congress under which this Tax is imposed, evidently contemplates that any State assuming to pay its quota thereof, shall pay the same "into the Treasury of the United States," and the Act of our State Legislature in this behalf provides that "the Treasurer of State is hereby directed to pay over to the Assistant Treasurer of the United States, at the City of San Francisco, California," and that they made no provision for the transportation of the moneys to this city was doubtless owing to an oversight, and any costs which you may necessarily incur in such transportation will, I doubt not, be promptly provided for by the Legislature.

I am ready to receive and receipt for such money on the part of the Federal Government, and I am sure that you will take great pleasure in promptly paying the same into the Treasury of the United States in the manner contemplated by law.

Respectfully yours,

D. W. CHEESMAN,
 Assistant Treasurer United States.

[P]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
 September 8th, 1862. }

To the Controller of State :

In the Federal Tax Fund is now the sum of \$63,839 31, payable to the Assistant Treasurer of the United States, at San Francisco ; but the law seems to contemplate payment being made on warrants drawn by the Controller. This said sum has been lying in the Treasury since the first instant, and it should be paid so soon as the proper mode is determined.

Yours,

D. R. ASHLEY,
 State Treasurer.

To Hon. G. R. WARREN, State Controller.

[Q]

OFFICE OF CONTROLLER OF STATE, }
 Sacramento, Cal., Sept. 9th, 1862. }

To the Treasurer of State :

In reply to your communication of the eighth instant, relative to paying of the "Federal Tax Fund" to the Assistant Treasurer of the United States, at San Francisco, I would suggest for your consideration the propriety of holding the amount on hand until the November settlements with County Treasurers are made, when there will be money enough in the Fund to make the entire payment of, say, \$254,000, and which can then be done by making payment in Treasury Notes, thereby making a saving of at least ten (10) per cent to the State, say \$24,500.

Very respectfully,

G. R. WARREN,
 State Controller.

Hon. D. R. ASHLEY, State Treasurer.

[R]

SAN FRANCISCO,
October 8th, 1862. }

Hon. D. W. Cheesman, U. S. Assistant Treasurer :

DEAR SIR :—Having learned through the public press that you have received advices from Washington in regard to the payment of the direct tax assumed by the State of California, I am ready to hand to you to-day the funds tendered to you on the thirtieth September last.

Yours,

D. R. ASHLEY,
State Treasurer of California.

P. S.—Your answer will reach me at the office of Patterson & Stow, San Francisco.

D. R. A.

[Handed original to Cheesman's Clerk, October eighth, eighteen hundred and sixty-two, eleven o'clock and fifteen minutes, A. M.]

[S]

OFFICE OF THE ASSISTANT TREASURER, U. S. }
San Francisco, Cal., October 8th, 1862. }

D. R. Ashley, Esq., Treasurer California :

SIR :—Yours of this date is at hand. On yesterday I telegraphed to you at Sacramento, and also addressed you by mail, that I was in receipt of instructions from the Secretary of the Treasury, United States, authorizing me to receive Legal Tender Notes, United States, on account of the direct tax for California.

Respectfully, yours,

D. W. CHEESMAN,
Assistant Treasurer United States.

[Received October eighth, eighteen hundred and sixty-two, twelve o'clock and fifty minutes, P. M.]

[T]

OFFICE OF THE ASSISTANT TREASURER OF THE UNITED STATES, }
 San Francisco, September 30th, 1862.

[\$63,839 31.]

Received of the State of California, per hand of Dr. R. Ashley, State Treasurer of said State, in pursuance of an Act of Congress entitled "An Act to provide increased revenue from imports, to pay interest on the Public Debt, and for other purposes," the sum of seventy thousand nine hundred and thirty-two dollars and fifty-six and two third cents, as made up as follows :

Cash	\$63,839 31
Deduction or ten per cent allowed by section eight of said Act, for payment made before October 1st, 1862	7,093 25 $\frac{2}{3}$
	\$70,932 56 $\frac{2}{3}$

Signed in duplicate.

[U]

OFFICE OF THE ASSISTANT TREASURER OF THE UNITED STATES, }
 San Francisco, California, October 8th, 1862.

[No. 1.]

I certify that D. R. Ashley, Treasurer of the State of California, has this day deposited to the credit of the Treasurer of the United States, sixty-three thousand eight hundred and thirty-nine and thirty-one one hundredths dollars, on account of direct tax for the State of California. This amount was tendered to me on the thirtieth day of September last, in Legal Tender Notes of the United States, but not received until instructed by the Secretary of the Treasury of the United States on the seventh instant, for which I have signed triplicate receipts.

[\$63,839 31.]

D. W. CHEESMAN,
 Assistant Treasurer United States.

[V]

October 9th, 1862.

Ashley :

First had an interview with Carlton, of the house of W. T. Coleman & Co., about Legal Tenders. He says that he will contract to deliver what is needed in December, at ninety cents; that he would have sold us the last at that figure; that, in his opinion, gold must go down; that there is over forty millions in gold in the vaults of the New York banks, and that it is increasing there at the rate of one million a month. He thinks it will break down with its own weight. Of course, as gold goes down, paper goes up. His house receives large amounts of paper in payment of freight, and hence the way they get so much paper.

I have tried Sime & Co., and Donohoe & Co., and Carlton makes me the best offer I have had. It may be that I can get Carlton to do one per cent better.

By the way, Carlton informed me that he did for this city just what you have done for the State.

I have thought of reviewing matters a little, and by way of preparation, would like to know how long it is since our Judges and State officers have received any pay.

Yours,

STOW.

[W]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
November 18th, 1862. }

Hon. F. M. Pixley, Attorney-General :

SIR:—The Treasurer of San Francisco County has, this day, offered to pay \$4,930 in United States Notes, collected at San Francisco for Federal poll tax, under the law passed by our last Legislature. I desire you at once, if possible, to give me your opinion officially as to whether these notes should be received. My own opinion is in favor of so doing, but as you are the law officer of the State, I ask your legal advice, and shall be pleased to hear from you to-morrow, if possible.

Yours, etc.,

D R. ASHLEY,
State Treasurer.

[X]

SAN FRANCISCO, }
November 18th, 1862. }

Hon. D. R. Ashley, Treasurer of State :

DEAR SIR:—It is my opinion that you may safely receive the amount of \$4,930 in United States Notes, the proceeds of collections by the collecting officers of the County of San Francisco for Federal poll tax, as this currency is receivable by the United States Assistant Treasurer for our quota to the Federal Government.

I am, very respectfully and truly, yours,

FRANK M. PIXLEY,
Attorney-General.

[Y]

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
November 25th, 1862. }

Hon. F. M. Pixley :

SIR:—Your opinion as to receipt of United States Notes for the Federal poll tax arrived this morning. Now, there has been a further tender to me of United States Notes (Legal Tender) in payment for School and for Swamp Lands sold by this State—both principal and interest. These payments so offered are on contracts made with the State, some before and some after the passage of the Act of Congress authorizing the issue of said notes and declaring them money.

Now, must these notes be received on purchases made before said Act of Congress, and also on purchases made since.

Yours, etc.,

D. R. ASHLEY,
State Treasurer.

[Z]

ATTORNEY-GENERAL'S OFFICE, }
November 28th, 1862. }

Hon. D. R. Ashley, Treasurer of State :

DEAR SIR:—Your note of November twenty-fifth, received this morning, asking opinion as to receipt of Legal Tender United States Notes for sale of School and Swamp Lands. My attention had been called to this matter by several Treasurers of different counties, and I have ad-

vised them that United States Notes were receivable for all debts due the State, whether growing out of contracts entered into before the passage of the Act of Congress creating this currency, or otherwise. I have advised collecting officers, and State officers generally, that these United States Notes are of the same legal standard as gold, receivable as coin, except where their receipt for taxes is limited by the decision of our Supreme Court in the case of Perry, Jr., vs. Washburn. My opinion, therefore, is that you should receive the notes so tendered you in settlement with County Treasurers.

Very respectfully,

FRANK M. PIXLEY,
Attorney-General.

[A A]

[No. 1.]

OFFICE OF THE ASSISTANT TREASURER OF THE UNITED STATES, }
San Francisco, California, February 26th, 1863. }

I certify that D. R. Ashley, Treasurer of the State of California, has this day deposited to the credit of the Treasurer of the United States, one hundred and eighty-three thousand six hundred and six and ten one hundredths dollars, on account of direct tax for the State of California. This amount was tendered to me on third of January last in Legal Tender Notes United States, but not received until further instructed by the Secretary of the Treasury United States, for which I have signed triplicate receipts.

[\$183,606 10.]

D. W. CHEESMAN,
Assistant Treasurer United States.

[BB]

TREASURER'S WARRANT.

SEAT OF GOVERNMENT, CONTROLLER'S OFFICE, }
California, September 22d, 1862. }

[\$63,839 31.]

The Treasurer of State will pay, out of the Federal Tax Fund, to the order of D. R. Ashley, for Assistant Treasurer United States, San Francisco, sixty three thousand eight hundred and thirty nine and thirty-one one hundredths dollars. Kind of service—State's quota (portion of) direct tax due United States. Liability accrued—September twenty-second, eighteen hundred and sixty-two.

[No. 210.]

G. R. WARREN, Controller.

[CC]

TREASURER'S WARRANT.

SEAT OF GOVERNMENT, CONTROLLER'S OFFICE, }
California, December 27th, 1862. }

[\$183,606 10.]

The Treasurer of State will pay, out of the Federal Tax Fund, to the order of D. R. Ashley, for Assistant Treasurer of United States, San Francisco, one hundred and eighty three thousand six hundred and six and ten one hundreths dollars. Kind of service—State's quota (portion of) to United States for tax. Liability accrued—December twenty-seventh, eighteen hundred and sixty-two.

[No. 735.]

G. R. WARREN, Controller.

[DD]

BALANCES IN NATIONAL TAX FUND.

June 1st, 1862.....	\$155 15
July 1st, 1862.....	155 15
August 1st, 1862.....	155 15
September 1st, 1862.....	63,839 31
October 1st, 1862.....	
November 1st, 1862.....	
December 1st, 1862	83,403 48
December 27th, 1862.....	205,914 28

COMMUNICATION FROM CONTROLLER TO THE BOARD OF
EXAMINERS.

CONTROLLER'S OFFICE, }
Sacramento, October 6th, 1862. }

To the Honorable the Board of Examiners:

GENTLEMEN:—I have this day handed the Clerk of your honorable Board an account of moneys due from the State of California to the General Government of the United States, viz: \$254,588 66, the same being California's quota of the direct tax assessed by an Act of the last

Legislature, and payable to the Assistant Treasurer of the United States at the City of San Francisco.

I have to inform you that under my understanding of the law in question, and believing by the terms of the Act that this account was not required to have been audited by the Board of Examiners, and that I have authority to draw a warrant for the same, I did, on the twenty-second of last month, draw my warrant for \$63,839 31, (that being the amount on that day in the "Federal Tax Fund,") which I delivered to the Treasurer of State, taking his receipt for the same.

For greater security in the premises, and desiring to follow the exact requirements of the law, I submit the account referred to for your honorable Board to allow.

Very respectfully, etc.,

G. R. WARREN,

Controller.

COMMUNICATION FROM TREASURER TO CONTROLLER.

OFFICE OF STATE TREASURER. }
March 2d, 1863. }

To the Controller :

SIR:—The balance due the United States from the State of California on the direct tax (\$183,606 10) was placed in hands, and on the second day of January, eighteen hundred and sixty-three, I tendered the amount to the United States Assistant Treasurer at San Francisco, who, although previously instructed by the United States to receive payment in legal currency, refused to do so, but repudiated the money of the United States, and violated his duty and the instructions of the Government. Knowing that his action could not be sustained, and that he and his co-plotters to depreciate Government Notes must be thwarted upon the matter being made known at Washington, I caused notice of his proceedings to be sent by telegraph, and on the eighth day of January, eighteen hundred and sixty-three, the Secretary of the Treasury, by telegraph, directed Cheesman to receive the payment as offered, but he still persisted in refusal, and on that being known at Washington, *again*, on the twenty-first of January, he was instructed, by telegraph, to receive the payment, and the instructions on the last named day were also sent by post to Cheesman. But to gratify his spleen, he refused obedience until the twenty-fourth of February, when I received notice from him that he would then obey the law of the United States and positive instructions of his department. I immediately went to San Francisco and paid the amount due the United States, on the twenty-sixth day of February, eighteen hundred and sixty-three.

This statement of the wilful proceedings of Cheesman has been necessary to explain the cause of my not before reporting the payment to you. On the refusal to receive the money in January last, I immediately placed same in a closed package, and it was not opened until taken to the Assistant Treasurer's office, on the said twenty-sixth of February.

The facts of the first payment I fully reported to you, in November last. On the last payment, I saved, after making full payment to the United States, the sum of \$20,500 32. The account with the United States stands as follows :

Due the United States		\$254,538 66 $\frac{2}{3}$
Paid, September 30, 1862.....	\$63,839 31	
Deduction allowed on payment of September 30, 1862.....	7,093 25 $\frac{3}{4}$	
Paid, February 26, 1863	183,606 10	
		\$254,538 66 $\frac{2}{3}$

The United States has been paid in the manner anticipated and intended by the Act of Congress, and the promptitude of payment has been creditable to California as a State, as have their liberal private contributions been an honor to her people.

The insubordination of the Assistant Treasurer, and the petty annoyance of his refusal to recognize the money of his Government, has had a tendency to render that money odious, and has fostered suspicion of its stability; since, if a Government official would in his official capacity refuse it, why should private citizens have much faith in its value. The refusal was received with complacency and pleasure by the enemies of the Government, while many, whose ultra loyalty is manifested more in sound than anything else, applauded attempted repudiation, forgetful that the gratification of their ill will and hate towards the State Treasurer, could in nowise compensate for the serious injury the repudiation inflicted on the National credit. But the prompt action of the Secretary of the Treasury, refusing to aid the scheme of the Sub-Treasurer, shows that the Government will not impose on the country a currency which it will itself repudiate.

The agitation of this matter does good in this, that it brings clearly to the public mind the fact that there can be no harmonious use of two classes of currency variant in real though equal in nominal and legal value, and here that one must practically supersede the other as a circulating medium.

Which shall be currency, and which the subject of purchase and sale as a commodity in market?

Throughout all the nation, except the Pacific coast, United States Notes are the currency, and it is extremely doubtful if this coast will or can be relieved from laws affecting the whole country; and an effectual opposition, either by State authority or by private combination, to the use of United States Notes, necessitates such a conflict with the National Government as will be strikingly like a rebellion, provided the issue of the notes is conceded constitutional in any view. That California is rebellious, is not probable, and a determination not to use the notes may be held her verdict that they are unconstitutional. It is the duty of the Attorney-General to advise certain State officers as to the duties of their offices; and calling upon him for his opinion as the law officer of the State, he advised me that United States Notes were receivable for payments on account of Swamp Lands and School Lands, and for Federal Poll Taxes; he had also advised several County Treasurers so at the November settlement in eighteen hundred and sixty-two; various County Treasurers tendered part of the amounts by them payable, in United States Notes.

Notwithstanding the said opinion of the Attorney-General, these notes I delayed receiving until it was found that on account of \$12,770 in

notes offered, the sum of \$244,973 01 in coin, was not paid into the Treasury, and the State was largely in arrears. So, knowing that if I received said notes, I could pay them to the United States, and thus dispose of them without affecting the State finances, and concurring with the opinion of the Attorney-General as to Swamp and School Lands, and being able thereby to place nearly \$245,000 in coin in the State Treasury, I received the notes, and they were part of the amount paid the United States.

I may add, that before receiving said notes, Governor Stanford having betrayed a penchant for being consulted, I consulted him, and he advised that under the circumstances I ought to receive the notes. I refer to this because previously thereto the Governor wrote a letter to one Cheesman, protesting against a payment I had made to the United States, which included \$1,570 of notes I had received under similar circumstances. I may also add, that just after the adjournment of the Legislative session of eighteen hundred and sixty-two, being at the office of the Governor, he suggested to me the propriety of offsetting against the Federal tax the amount of California's audited Indian war claims, and thus paying the United States very little, if any, actual money. Upon my suggesting that the United States Auditor had awarded the amounts allowed to the original individual claimants, and hence, that perhaps the State could not use the Indian war debt as an offset, the matter was dropped.

Still, when it is recollected that said war debt is payable to California from the United States in six per cent bonds or in Legal Tender Notes, it would seem that offsetting our debt, as suggested by the Governor, is exactly equivalent to payment of our Federal direct tax in Legal Tender Notes, and to one who comprehends this, the *protest* of the Governor seems a little erratic.

The amount due United States was.....	\$254,538 66 $\frac{2}{3}$
The deduction is.....	7,093 25 $\frac{1}{3}$
The amount actually paid is.....	\$247,445 41

Of the amount paid there was received into the State Treasury from various County Treasurers, in Legal Tender Notes, the sum of.....	\$14,340 00
Amount paid from money received from the State Treasury	233,105 41
Total	\$247,445 41

From said sum of \$233,105 41, placed in my hands, I saved the sum of \$24,260 00, upon the principle and for reasons shown in my Annual Report for the year eighteen hundred and sixty-two, by exchanging for legal currency (Legal Tender Notes) of the United States.

The amount saved on the first payment was.....	\$4,486 39
On the second.....	20,500 32
	<hr/>
Less expenses incurred.....	\$24,986 71
	726 71
	<hr/>
Nett saved.....	\$24,260 00

These expenses were, travel to San Francisco, express charges on money, etc., and I deduct them because just, being a little less than my actual expenses, and I make no pretence of saving more or less than the real amount. I have believed and still am conscious that what I have done is eminently right, and the unjust and captious criticisms thereupon of a portion of the public press I know to be undeserved.

Reference to what is said by newspapers I would not refer to in a report, only that I have precedent set therefor by the Governor in his last Annual Message, in connection with this same subject matter.

It has been said that this payment prevented gold from being paid to United States soldiers; but this is entirely false, for the Government had plenty of gold on this coast for that purpose, but shipped it to the Atlantic States; the fact is the intention has been to pay all the expenses of the Government in currency, excepting interest, and the payment by California has had no effect whatever in moulding the policy of payments on this coast. The quota of California has been too small an element to have influence, and most of the payments made in gold by the Sub-Treasurer at San Francisco have been matters of personal favoritism.

The total amount, as before shown, is \$24,260, all of which I had intended, from the beginning, to donate for benefit of the State. I have paid to the United States the total amount that was placed in my hands, and hold receipts therefor from Government, which has been entirely satisfied with the payment, and liability of California has been liquidated to the full amount I received.

All of which is respectfully submitted.

D. R. ASHLEY,
State Treasurer.

Hon. G. R. WARREN, State Controller.

TREASURER'S REPORT CONCERNING THE NATIONAL TAX.

On the thirtieth of September last I paid to the United States the amount then in the Federal Tax Fund, and the facts connected with this payment were reported to the Controller on November first, eighteen hundred and sixty-two, of which report the following is a copy :

SIR :—The warrant for sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, which amount was to be paid to the United States Assistant Treasurer at San Francisco, on account of the Federal or National tax—an obligation assumed by the State of California—was duly paid.

But, as said Assistant Treasurer, under his construction of his duties, refused to come to the seat of the State Government, either to receive from the Controller the warrant for said amount, or payment of the same, it became necessary to pay the same at San Francisco, and that on or before the thirtieth day of September, A. D. eighteen hundred and sixty-two, to secure the State the deduction of ten per cent allowed by Act of Congress—which deduction was the consideration for this State itself making the collection. Consequently, on the thirtieth September ult., I paid to D. W. Cheesman, United States Assistant Treasurer at San Francisco, the said amount of sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents, and as the State is entitled to a deduction of ten per cent, the payment was, in effect, seventy thousand nine hundred and thirty-two dollars and fifty-six and two-third cents—nine tenths being actually paid, and one tenth being the State per centage. The receipt given for said payment is only for the amount actually paid, as said Assistant Treasurer said the reduction allowed must be settled with the auditing officers at Washington. Said Assistant Treasurer, on the thirtieth September, eighteen hundred and sixty-two, after counting the money so paid, and giving change therefor, (sixty-nine cents,) declined giving his receipt for the same until he should be so instructed by the Secretary of the United States Treasury, and on said September thirtieth he so telegraphed to the said United States Secretary, and on the seventh of October received reply instructing him to receive said sum.

In addition to said ten per cent deduction, I have, from the amount placed in my hands, saved the further sum of four thousand four hundred and eighty-six dollars and thirty-nine cents, which on your order I propose to place in the State Treasury.

Under the Act of February twentieth, eighteen hundred and fifty, I suppose this last named sum would go into the General Fund; but as the National Tax is not all paid, I think it advisable not to place this money in that Fund until it is known that the receipts into the Federal Tax Fund during the approaching settlements of the County Treasurers will be fully sufficient to pay said tax, as in case of deficiency I think this money should be first applied to the payment of said Federal Tax.

If my desire could be gratified, a donation of this money should be made to the Nation for the purpose of further assisting it in this time of peril, and as this would require the assent of the Legislature, it is for you to consider if it be not advisable to hold this money unused until Legislative direction can be had.

The total of Federal Tax assumed by the State is.....	\$254,538 66 $\frac{2}{3}$
The payment actually made is..	63,830 31
The deduction to which the State is entitled is..	7,093 25 $\frac{2}{3}$
Total.....	\$70,932 56 $\frac{2}{3}$

Leaving the amount still to be paid by the State, one hundred and eighty-three thousand six hundred and six dollars and ten cents.

The saving to the State at this payment has been said deduction of ten per cent.....	\$7,093 25 $\frac{3}{4}$
And said sum saved on payment, of.....	4,486 39
Total.....	\$11,579 64 $\frac{3}{4}$

This includes every cent saved, and it was impossible to make it greater under the circumstances.

It is true the last Legislature anticipated saving a greater sum; but as the State failed to make any payment in June last, on which payment it would be entitled to fifteen per cent deduction, and as it had not sufficient money to make full payment in September, ten per cent was lost on the deficiency; for all which there was no remedy—the collections under the State laws being made too late to enable the State to receive the full benefits offered by Congress, and intended to be secured by the Legislature when it provided for the State to pay the tax.

Since completing said payment to the United States this is the first report made from this office, and I avail myself of the first opportunity as provided by law, to advise you of the facts.

D. R. ASHLEY,
State Treasurer.

This money, (sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents,) was drawn from the Treasury, and placed in my hands; that is, sixty-two thousand two hundred and sixty nine dollars and thirty-one cents in coin, and one thousand five hundred and seventy dollars, in United States Notes, received from San Francisco for Federal poll taxes, before the decision of our Supreme Court in the case of Perry vs. Washburn was known. Fifty-seven thousand seven hundred and eighty-four dollars and thirty-cents in coin, was exchanged for sixty-two thousand two hundred and seventy dollars in United States notes, and that, with one thousand five hundred and seventy dollars of the notes received from San Francisco, makes sixty-three thousand eight hundred and forty dollars which was paid to the United States, and sixty-nine cents in change returned, making a saving of four thousand four hundred and eighty-six dollars and thirty-nine cents, as reported to the Controller.

The law of the United States levying this direct tax, did not intend its collection in coin, for it expressly provides that the States may offset claims they have against the United States, (V. LL. 1861, page 311, section 53,) and subsequently, May thirteenth, eighteen hundred and sixty-two, (V. LL. 1861-2, page 384,) Congress further allowed the State to offset claims for expenses in assisting to suppress the rebellion, if such claims were held before July thirtieth, eighteen hundred and sixty-two. All such claims so allowed as offsets, were payable by the United States in notes, so the receiving the claims was the same in effect as receiving those notes for the tax. But further: the Act of Congress of February twenty-fifth, eighteen hundred and sixty-two, (V. LL, 1861-2, page 345,) expressly provides that these notes shall be received by the United States for all taxes and dues, except duties on imports. Hence, these notes are properly and legally payable for this direct tax, and so the United States authorities expected, and have ruled, for the Secretary of the Treasury

so directed the United States Assistant Treasurer at San Francisco, October seventh, eighteen hundred and sixty-two. Indeed, said Assistant Treasurer, on the thirtieth of September last, received said notes, counted them, and returned change, sixty-nine cents, and upon being requested to give receipt for the amount paid, sixty three thousand eight hundred and thirty-nine dollars and thirty-one cents, and also for the ten per cent to which California was under the law of Congress entitled, he went from his office to consult on the question of the receipt, the notes remaining in his office and in his possession; and after about an hour and a half, he returned, and then, for the first time, he said he would consult by telegraph with the Secretary of the Treasury as to whether said notes were receivable. He did so, and received the instructions before stated. Upon the Assistant Treasurer determining to so consult by telegraph, the sixty-three thousand eight hundred and thirty-nine dollars and thirty-one cents in notes, so tendered and paid him, were in his office, placed in a sack, and sealed up by his Clerk in his presence, and so remained sealed until opened by his Clerk on the eighth day of October last, after the reply of the United States Secretary was received.

The other States on the Atlantic slope all pay this direct tax in claims or in notes, which two are equivalent. California assumed the obligation, and if its payment were in gold, it would pay a higher rate of tax than the other States, by so much as gold exceeds the value of notes in this State. In paying this tax, the States are not making a gratuity, but are simply complying with a legal obligation, which should be discharged in the mode prescribed by Congress.

If the State feels able, and desires to make a direct donation additional to the tax, the act will be praiseworthy, and the United States will receive the benefit thereof, which will not be the case if the donation is attempted to be made under the guise of taxation, by paying gold in place of notes; for in this case, the United States receives the gold at the same nominal value as paper money, and so pays it out, receiving no benefit whatever from the fact of the tax being paid in gold.

After the State made its said payment, the United States, even then, had not notes enough in California to make its necessary payments; but on November third, eighteen hundred and sixty-two, the Assistant Treasurer at San Francisco, having exhausted his notes, commenced again paying in coin; so with the notes paid by California, the United States paid, dollar for dollar, as much of demands against the Government as could have been done with gold. If gold had been paid, government contractors, officials, and other claimants in California, would have received it in place of the notes, and the benefit would have accrued to them individually, and not to the Government. Now, parties have made their contracts with and received their positions under the Government with knowledge that they would likely be paid in United States Notes, for such was the law, and it will generally be conceded that the cases are rare where contractors with the United States do not receive enough, and where California, to its own loss, should advance gold for their relief. The United States received no detriment, the contractors, etc., received no increased profit, and the State did gain some money by the payment in notes.

Did the State need this money? Let her creditors who are unpaid for many months, and the public institutions which languish for want of the money the State has nominally appropriated to them, and officers

and Judges who are forced to sacrifice their salaries to the scrip brokers, answer the question.

I have said the Government was not injured by receiving notes for our share of the direct tax. To that it may be said, in needed gold to pay interest. I say no; for President Lincoln's message, just submitted to Congress, shows that the interest on the National debt, paid during the year ending June thirtieth, eighteen hundred and sixty-one, amounted to only thirteen millions one hundred and ninety thousand three hundred and twenty-four dollars and forty-five cents. And the interest on the public debt for the present year, up to July first, eighteen hundred and sixty-three, is estimated by Secretary Chase in his late report, at nineteen millions four hundred thousand dollars. The President, in his late message, states the receipts from customs for the year up to July first, eighteen hundred and sixty-two, at forty-nine millions ninety-eight thousand three hundred and ninety-two dollars and sixty-two cents; nearly four times the interest on the debt during the same period. Secretary Chase estimates the receipts from duties on imports for the present year, ending June thirtieth, eighteen hundred and sixty-three, at seventy millions of dollars, being three and a half times the interest on the debt for the same year. And Secretary Chase, under date of October twenty-third, eighteen hundred and sixty-two, says: The National debt in all, funded and unfunded, only amounts to six hundred and forty millions of dollars.

All this interest must be paid in coin, but the United States never expected to receive this necessary coin from the *direct* tax, for it is provided that the *duties on imports* shall be paid in gold and silver, for the purpose of raising the means to pay this interest; and, if sufficient, the Government needs no more specie payments.

It is presumable that the Treasury Department of the United States made ample provision for the gold needed, without calculating on ostentatious generosity from California; and so it did provide, for the interest on the public debt is not to exceed, the present year, nineteen millions of dollars, as before stated, and the duties are more than ample to pay the amount three and a half times over.

The new tariff had no decided effect before the first of July last—to which period the President's last message relates. But up to the first of September, eighteen hundred and sixty-two, it was found that the duties collected amounted to a sum that indicated a collection of ninety millions of dollars a year—four and a half times more than sufficient to pay the annual interest. But the Secretary of the Treasury estimates these receipts at seventy millions only; still being, as before shown, three and a half times the amount required.

But it is said the fifty millions of dollars of old Demand Notes are receivable for duties, and so the seventy millions are not all received in coin. Well, be it so; a large portion of the Demand Notes were absorbed before July first, eighteen hundred and sixty-two; yet, suppose that the present year thirty millions of dollars of the customs are received in these Demand Notes, and still the coin coming from this source is double the amount required for interest, that being the only obligation the Government discharges in gold and silver. Thus it appears to a demonstration that the United States neither expected nor needed the payment of our share of the direct tax in coin.

It may be argued that payment of our quota in gold would aid the credit of the United States, since the credit of a Government depends on the amount of gold it can immediately or prospectively command.

There is little or no force in the argument, for the reason that California's quota (two hundred and fifty-four thousand dollars) is of too small amount to make its influence appreciable. It is only one eightieth of the tax, and the whole tax (twenty millions of dollars) is only about one twenty-fifth of the present annual expenditures of the Government. So the full quota of California is only one two-thousandth part of what the Government uses in a year; an amount too small to have its payment, whether in coin or notes, influence the credit of the Union.

Indeed, California's using of the notes raised their value in this market, put that amount in circulation, and gave countenance to their use as money, and so aided the design of the General Government. But as a crowning point, it is, perhaps, said that a meanness is shown in California's paying in notes, when she collected in coin from the tax-payers. Now, it is not meanness in a State more than in an individual, and it is reprehensible in neither, to make the best it can in business matters. Financial shrewdness and capacity are essential elements in all successful government, and the head of the Treasury Department in all countries has to deal with the raising of money little by little, from humble as well as from magnificent sources; and a dollar saved is better than one thrown away and its place supplied by another wrenched from the toiling masses, who, in the end, produce all the wealth we have. And it is not mean for a State in debt to be prudent and saving of its money.

The people paid their tax to the State in coin, because the law was so, or at least because it was so understood. But the State, although it collected in coin, pays the United States in notes, and the difference remains in the Treasury, an equal benefit to all the tax payers of the State; for so much money as is saved lessens so much their future taxation. As to the amount saved, the State receives the whole benefit, and any imputation to the contrary is grossly without foundation.

The amount could not be made greater, because in loyal California the National credit has not sunk so low as some supposed and hoped.

In the greater part of the nation, where United States notes are the circulating medium, and gold and silver are articles of trade, gold is quoted at so much premium, payable in United States notes; this is not to say that notes are at the same nominal discount, for gold, at a premium of thirty per cent, gives a discount of only twenty-three per cent on notes, and the premium being sixteen per cent, the discount is only thirteen per cent.

This discount is less than history shows has ruled on the notes of the Bank of England in times of peril, and yet the notes of that bank proved good, as will those of the United States, and misgivings to the contrary do not spring from that strong loyalty and patriotic devotion which are the nation's hope, and will be its palladium against treason, be that treason arrayed in open arms or covertly attacking the credit of the Government.

If the United States disbursed in California a sufficient amount of its notes to supply the demand, their value, as compared with gold, would not vary much from what it is in New York; but it not being so, the notes imported by private parties rule the market price, and to get the notes requires some considerable expense. The gold in exchange must be shipped and insured to New York against war as well as other risks, and the notes must be likewise insured in their transit, which insurance and freight, each way, will amount to four or five per cent, making, say, nine per cent, then add one per cent interest for one month consumed in the exchange, and, say, two per cent for profit to the importer, being

in all twelve per cent; and when notes are at eighteen per cent discount in New York, they will sell here at six per cent discount only, until the demand is supplied, which it is not yet, and will not be until we have notes enough to pay our taxes under the Internal Revenue Act, our freights from the Eastern States, and all other indebtedness for which notes are receivable.

When gold is at twenty per cent premium in New York, as it was in September last, the discount on notes at New York was sixteen per cent, and deducting ten or twelve per cent for freight, insurance, and profit to the private importer, and notes will range in California from four to six per cent discount.

Premium on gold and discount on notes are not numerically correlative terms, as might to many persons at first appear. The discount is always less, using notes for the currency of trade. Besides, the supply being small, if any considerable demand for notes suddenly arises here, they sell for very much increased rates, for the reason that the source of supply is so distant that nothing can be drawn thence to supply an emergency.

To me it seems clear that as the law of the United States contemplated the receipt of the notes in payment of the twenty million dollars of direct tax, the people of California should have been allowed to pay their quota of that tax in such notes into the State Treasury; but as they did not so pay to their own State, was it not right for the State to so pay the nation, reserving the amount saved for the equal benefit of those same tax-payers?

It has been supposed that the case of *Perry vs. Washburn*, in our Supreme Court, decides against the receipt of United States Notes by the State at all; but a Court only decides a case as it is presented, not as it might have been presented, and that case shows that Perry made a tender of notes in payment of the Federal tax, so called, State taxes, and County taxes, in gross as a whole.

The State Revenue Law of eighteen hundred and sixty-one requires all taxes under that Act to be paid in coin; so the tender of those taxes in notes was not good. To make a tender good it must be good in toto. The tender of Perry was not good, at least as to part; therefore it was null entirely, and the Courts so decided correctly. Had the tender in notes been of the so called Federal tax only, as to which tax the State law prescribes no particular kind of money in which it shall be paid, then the facts would have been different, and the decision of the actual case does not control the supposed one.

In one sense a tax is a debt—in another it is not; still, in whichever sense it is, as to this matter taken, it does not, to me, seem necessarily to decide the receivability of notes for taxes.

When a law levies a tax and does not declare in what kind of money it shall be paid, it is payable in any lawful money; that is, in what the law declares to be money, and money is entirely the creature of law.

The law of the United States declares, as I understand it, that these notes are *lawful* money, and if this be so, they might have been received for all taxes not expressly required by law to be paid in other money; but the tender in the case referred to did not present this distinction.

That a State may prescribe in what kind of money or commodity its taxes must be paid, is true; otherwise a State Government is powerless, and its very existence depends on the caprice of the National Govern-

ment, which may at any time, by a currency regulation, destroy State Governments, and centralize all governmental authority practically in itself.

But so long as a State does not use its right to determine the kind of money receivable for taxes, *money*, as defined and declared by the National Government, may probably be paid.

REPORT OF SPECIAL COMMITTEE

ON

COPYING FOR THE ASSEMBLY,

FOR

THE THIRTEENTH SESSION.

BENJ. P. AVERY.....STATE PRINTER.

ASSEMBLY CHAMBER,
April 3, 1863. }

Mr. SPEAKER:—Your committee, appointed to investigate the copying of the last session performed for the Assembly, have had the same under consideration, and respectfully beg leave to report as follows.

WARWICK, Chairman.



REPORT.

Under a law approved May twentieth, eighteen hundred and sixty-one, two Copying Clerks were appointed by the Legislature which assembled on January sixth, eighteen hundred and sixty-two. By referring to the Statutes of eighteen hundred and sixty-one, (page 593,) we find that it is the duty of the Copying Clerks of the Assembly to copy into the Appendix all lengthy documents, and to perform all such copying for the Printer as may be ordered by the Assembly. By referring to the duties of Chief Clerk of the Assembly, (page 592, Statutes of 1861,) we find that it is made his duty to superintend the copying of the Journals, and all other copying necessary to be done for the Assembly. On the thirtieth of January, eighteen hundred and sixty-two, the following resolution was adopted :

Resolved, That the Clerk of the House be and is hereby authorized to furnish the State Printer with the Journals and Appendix of this House, for the purpose of having the same printed.

We find, that under an evident misconstruction of this resolution, the bills of the Chief Clerk were approved by the Committee of Accounts and Expenditures, and were ordered paid, as follows :

March 20	\$67 20
March 31	114 00
April 24.....	319 00
May 1.....	417 00
May 14.....	562 00
Total	\$1,479 20

It is the opinion of your committee that the sum of one thousand four hundred and seventy-nine dollars and twenty cents, received by the Chief Clerk of the House, was an expense unnecessary, for the reason that the House had two Clerks employed to perform such work ; and we also find upon examination of the scrolls in the office of the Secretary of State,

that the original manuscript was used by the Printer, and, therefore, the copying was constructive. It is proper to state here, that the scroll Journals and the scroll Appendix for January are not to be found, and the scroll Journals for the last seventeen days, which Colonel Wood was authorized to copy, have no marks upon them indicating that they were used by the Printer, but on all the other scroll Journals, there are printer's marks, which show they were not copied for the Printer, as is alleged.

Through the negligence of the Committee of Accounts and Expenditures, and by the neglect of the House, these accounts, which were at least mainly for constructive copying, were allowed and ordered paid. It is now too late to correct the mistakes of our predecessors, but it is important that we abandon the policy which they adopted.

Your committee further find, that nearly six hundred dollars worth of copying was allowed to accumulate about the Clerk's desk, which was, on the day previous to the adjournment, given by resolution to Colonel Wood, the Minute Clerk, when, if the interests of the State had been properly guarded, no such amount of work would have been allowed to accumulate, as at the time of its accumulation the Copying Clerks of the Assembly were almost entirely unemployed. It is but proper to state, that the Chief Clerk and the Minute Clerk both testify that they were unable to get the book in which to copy the Appendix, although they repeatedly applied for it. Colonel Wood also testifies that the book for the Appendix was not delivered till the month of June, eighteen hundred and sixty-two, which fact is supported by the books of Wells, Fargo & Co. It, however, appears charged on the books of the Secretary of State as having been delivered on the twentieth of January, eighteen hundred and sixty-two.

By an examination of the Journals, it will be seen that they contain less than three thousand folios. The whole amount paid to the Chief Clerk for copying the Journals was one thousand four hundred and seventy-nine dollars and twenty cents, which does not include the sum paid to Colonel Wood for copying the Journals for the last seventeen days of the session. The payment of this one thousand four hundred and seventy-nine dollars and twenty cents indicates that the Chief Clerk had copied fourteen thousand seven hundred and ninety-two folios, or eleven thousand seven hundred and ninety-two folios more than are contained in the entire Assembly Journal. On due consideration, your committee are compelled to believe that the resolution by which the Chief Clerk was authorized to give the Journals to the Printer, was misconstrued when pay was demanded for the giving of such copy. In view of the above facts, your committee are compelled to believe that the sum drawn by the Chief Clerk, of one thousand four hundred and seventy-nine dollars and twenty cents, should not have been allowed, as part of the copying was never done, and the whole of it was unnecessary; and the action of the Committee on Accounts and Expenditures in auditing the bills, and of the House in ordering the payment of the same, indicates gross negligence.

Your committee further find, from the sworn testimony of both the Copying Clerks, that the time they were actually employed during the session would not exceed one or two hours a day. It was testified to, during the examination of one of the witnesses, that both of the Copying Clerks were incompetent to perform the duties of their office, and that that was the reason why the copy was not given to them. Against this, we have the testimony of both the Copying Clerks themselves, that

there was not a time during the session but a person of acknowledged competence and ability was constantly in attendance to do any and all copying that might be required of them; and as far as your committee has been able to ascertain, the person employed by Mr. Hough is one of the best copyists in the State.

When we consider that two Clerks were employed by the House, at an aggregate cost of sixteen dollars per day, and were idle on account of alleged inability to obtain a book for the Appendix; and that during this time, in addition to the sum claimed for copying the Journals, nearly six hundred dollars worth of copying was allowed to accumulate about the Clerk's desk; this at a time, too, when the Assembly was actually paying seventy dollars a day for Clerks—fifty-four to the Chief Clerk, and sixteen to the regular Clerks of the Assembly—we cannot but believe, that if there was no collusion, that at least it was owing to the negligence of the Clerks that this large amount of copying was allowed to accumulate, and, as a consequence, the State was compelled to pay the sum of six hundred dollars, making, with the amount received by the Chief Clerk, two thousand and seventy-nine dollars and twenty cents, every dollar of which might have been saved to the State if the Copying Clerks had been kept employed, instead of being allowed to remain in comparative idleness during the entire session.

The Secretary of State, in his report, says that the enrolling of the laws, which costs the State between six and seven thousand dollars when performed by the Legislature, costs but four hundred and fifty dollars when done by his office. There is a material difference in the character of the copying—the enrolling of the laws requiring the utmost care, while the copying of laws for the Printer, which is done in the Secretary of State's office, can be performed much more rapidly; still, it is the opinion of your committee, that the large number of Assistants usually employed by the Enrolling Clerk are entirely useless. Sometimes, for a few days, they may be quite busy; and again, there are many more days when they have comparatively nothing to do.

In the opinion of your committee, there need not be more than one Copying Clerk employed by the Assembly, and that it is advisable to enact a law by which it shall be made the duty of the Chief Clerk of the Assembly to report, each Monday, to the House as to the condition of the copying; and that he be expressly forbidden, under severe penalties, from receiving any perquisites from his office, or presents for the performance of any of his duties, as Clerk of the Assembly; and also that any Clerk attached to the Assembly be forbidden by law to accept any present or perquisite for the performance of any duty required of him by statute, and that he also be forbidden from having any interest in the copying, except that which he is required by law to perform, and that it be made a misdemeanor for him to accept or receive any pay of any character, except his per diem, for the performance of any duty required by the Legislature during his term of office.

And if the Chief Clerk shall allow any copying to accumulate, without making his weekly report, that whatever amount such copying costs shall be deducted from his salary; and, moreover, it should be made his express duty to see that the Copying Clerk, and all the other Clerks about his desk, performed the services required of them; and that the Chief Clerk should be allowed by law to give to the State Printer the original minutes of the Journals, original bills, documents, and all other matter that requires to be printed; and also, that the office of extra Assistant Clerk, usually created by resolution, is entirely useless, and should be abolished.

It is further the opinion of your committee, that the Clerks allowed by law are amply sufficient for the performance of all clerical labors required by the Assembly. They would also suggest, that in future the Copying Clerk of the Assembly be required to assist the Journal Clerk, thereby doing away with the office of Assistant Journal Clerk.

By the system above recommended, it will be seen that three Clerks will be saved to the Assembly, which, at the sum allowed these officers for a session of the usual length, will save the State, in round numbers, twenty-five hundred dollars per annum; and if the same system could be adopted by the entire Legislature, it would result in a saving of five thousand dollars per annum; and if no perquisites or constructive copying were allowed, the total saved would not be less than seven thousand dollars a year, at the very lowest calculation.

We have now under consideration some amendments to an Act fixing the number of officers and employés of the Senate and Assembly, to define their duties, and to establish their pay, approved May twentieth, eighteen hundred and sixty-one, which it is the intention of the committee to present to the consideration of the Legislature in a few days.

All of which is respectfully submitted.

WARWICK, Chairman.
BANKS,
ADKISON,
LUX,
DENNISTON.

REPORT AND EVIDENCE

RELATIVE TO

COPYING OF THE 13th SESSION

OF THE LEGISLATURE.

BY THE ASSEMBLY INVESTIGATING COMMITTEE.

BENJ. P. AVERY.....STATE PRINTER.

PROCEEDINGS

OF THE

COMMITTEE APPOINTED TO INVESTIGATE IN REGARD TO
COPYING FOR THE ASSEMBLY DURING THE THIR-
TEENTH SESSION OF THE LEGISLATURE.

ASSEMBLY CHAMBER,
February 17th, 1863. }

Hon. Mr. Warwick, Chairman of Special Committee :

SIR :—The following is a copy of a preamble and resolution adopted in Assembly this day :

WHEREAS, It has been stated by the Secretary of State that the enrolling of the laws, which cost the State the sum of six thousand dollars, when performed under the direction of the Legislature, cost but four hundred and fifty dollars, when performed under the direction of the Secretary of State ; in order to ascertain how this discrepancy occurs, therefore, be it

Resolved, That a committee of five be appointed to examine into the copying done during the last session, and to report the same to this House.

Adopted.

The Committee consists of Messrs. Warwick, Sanderson, Adkison, Deniston, and Lux.

W. N. SLOCUM,
Assistant Clerk.

PROPOSITIONS

UPON WHICH THE COMMITTEE INTEND TO CONDUCT THEIR EXAMINATION.

First—Mr. Sedgwick, being Chief Clerk of the Assembly in eighteen hundred and sixty-two, procured the writing of the resolution under which the copy of the minutes and other documents were given to the State Printer.

Second—That under such resolution he received the sum of one thousand four hundred and seventy-nine dollars and seventy cents, and that, at a time when the Copying Clerks of the Assembly were unemployed.

Third—That the Copying Clerks were under the supervision or direction of the Chief Clerk, and should, by the law of eighteen hundred and sixty-one, have done *all* the copying for which he received pay.

Fourth—That but a small portion of the copying for which pay was received by the Chief Clerk, Mr. Sedgwick, was ever actually done, being merely constructive copying.

Fifth—That, by his negligence, nearly six hundred dollars worth of copying was allowed to accumulate at the Clerk's desk, which had to be done at the expense of the State, after the close of said session of eighteen hundred and sixty-one, instead of being performed by the Copying Clerks, whose testimony tends to show that they were not employed more than one or two hours per day during the session.

Mr. SLOCUM :—As Chairman of the Special Committee on copying done for the Assembly at its thirteenth session, I cited you to appear before the committee at its first meeting. The examination being unexpected by you, the answers given were not sufficiently explicit. In order to save time, you will please prepare, for the next meeting of the committee, a general statement, embodying answers to the following questions.

[Signed :]

J. H. WARWICK.

First—Were you a Clerk of the Assembly at its last session?

Second—Do you remember that a resolution was adopted authorizing the Clerk to have the Journals of the House copied for the State Printer?

Third—What do you know of the sums paid for such copying?

Fourth—Did you know such copying to be unnecessary?

Fifth—Did you conceal your knowledge of the facts from the House?

Sixth—What service did the Copying Clerks of the House perform, and did you ever refuse to give to them documents which the law required them to copy?

Seventh—Who performed the copying that properly belonged to the Copying Clerks?

Eighth—Do you know the cost of such copying?

Ninth—Have any of the documents which are to go into the Appendix of the present session been delivered to the Copying Clerks?

Tenth—Have you had any instructions from the Chief Clerk, during the present session, concerning the delivery of the Minutes to the State Printer?

W. N. SLOCUM'S STATEMENT.

I was Assistant Clerk of the Assembly during the thirteenth session of the Legislature. I remember a resolution which, (according to the Journal,) was passed on the thirtieth day of January, authorizing the Clerk to furnish the State Printer with the Journal and Appendix of the House for the purpose of having the same printed. No one voted against the resolution, and I think that no one who voted for it supposed, at the time, that it authorized the Clerk to have the Journals copied. On the twentieth day of March, the Committee on Expenditures and Accounts reported in favor of paying John Sedgwick sixty-seven dollars and twenty cents, for copying the Journals for the printer in the month of January. The Chairman of the Committee stated that it had been necessary for the Clerk to procure the services of a copyist, who was obliged to work at night, and at other intervals when the official record was not in use by the Journal Clerk. Having previously noticed that the Minutes were each morning read and corrected in accordance with the corrections made in the Journal, I thought it strange that the Minutes were not given to the Printer, and on suggesting it to the Clerk, he said *he* had charge of that, and would see it was done right. I thought no more of it until the thirtieth of March, when another resolution, reported by the Committee on Expenditures and Accounts, authorized the payment of one hundred and fourteen dollars for copying the Journal for the printer in the month of February. The account was allowed without debate. I then went to the Chairman of the committee, and explained to him that there was no necessity for such copying, and that, if there was, there were two Copying Clerks who had nothing to do. He said the resolution authorized it; he could not go behind that. Some time afterward, I mentioned it to the Chairman of the Committee on Claims. He regretted that I had not come to him before. He thought the matter had gone too far to be remedied without creating much ill feeling, with no adequate benefit. On his suggestion, I said no more about the matter until near the close of the session, when I was informed by the State Printer that, except for the first week or two, no copying had been done at all, the printed Journals having been set up from the original minutes made by Mr. Wood, the Minute Clerk. I then added up the sums allowed Mr. Sedgwick, and found that he had received one thousand four hundred and seventy-six dollars and some cents, while the copying actually performed amounted to less than twenty dollars. I went to Mr. Wood, and said I thought it time to put a stop to Sedgwick's proceedings. He agreed with me, and said he would attend to it. Mr. Wood had retained during the session all the documents that were to go into the Appendix, and from that time he retained also the Minutes, and I thought it all right, until on the day preceding the last day of the session, a resolution was adopted authorizing Col. Wood to finish the copying from the Journal, and the Appendix for the printer, and to write the Appendix, to be deposited with the Secretary of State. The Appendix is composed of reports too lengthy to go into the daily Journal, and the law provides that it shall be written, during the session, by the Copying Clerks. The Clerks applied to me near the close of the session for the copy. I told them the Chief Clerk had charge of the papers, by resolution of the House. They said the Chief Clerk refused to give them up. Neither of these Clerks performed any service of consequence during the session; but they, in connection

with the Journal Clerk, hired an extra Clerk, who wrote the Journal and did all the copying that was placed in the hands of the Copying Clerks. One of the Copying Clerks was absent during a large portion of the session, and the other was incompetent. Neither of them wrote a good hand, and it was on this account, probably, that the resolution authorizing Mr. Wood to write the Appendix at the close of the session was adopted by the House, it being then too late to compel the Copying Clerks to have the work properly performed at their own expense. Mr. Wood afterwards informed me that, by agreement made by him, he had been obliged to divide the profits of his share of the copying with Mr. Martin Rowan. I do not know the amount they received.

During the present session I have delivered to the Copying Clerks the report of the Committee on Elections, the only lengthy document which I yet know of as properly belonging to the Appendix. I have been requested by the present Chief Clerk not to give the Minutes to the printer until he has been authorized to do so by the House. As the law requires the printing of the Journals, I do not consider such resolution necessary, and, notwithstanding Mr. Worthington's objections, the Minutes have been given to the printer whenever he has applied for them. The printer stated to me that he desired to have the Journals printed soon after the close of the session, but could not do so if the copy was withheld from him. When remonstrated with by Mr. Worthington, I told him that the trick of the last session would not be repeated, and he need not expect it. He replied that he wanted the resolution passed, whether he received pay or not; that he should apply for pay, on the ground that it had been the custom to allow the Clerk such perquisites.

W. N. SLOCUM.

FEBRUARY 27th, 1863.

Present—Messrs. Warwick, Banks, and Adkison.

TESTIMONY OF W. G. WOOD.

Colonel W. G. Wood being duly sworn, says:

I was Minute Clerk of last session.

I am acquainted with the laws which regulate the duties of the Clerks of the House.

The copying of the Appendix would be part of the duties of the Copying Clerks, if they were not otherwise employed.

It was part of their duty as Copying Clerks to perform the work of copying which, under a resolution of the Assembly, (Assembly Journal, p. 149,) was done by the Chief Clerk.

I do not know whether my original Minutes were used by the State Printer, or whether they were copied for the State Printer.

I know that the Copying Clerks of last session were, as Copying Clerks, unemployed a large part of their time, but they employed one man to do their work. They employed but one man—or had in their employ as a copyist but one man—at any time, to the best of my recollection. Under the law, the Assistant Clerk had charge of the papers

and documents belonging to the Assembly. (For law see section 4, p. 592, Statutes of 1861.)

All the papers and documents which by said section the Copying Clerks are required to copy, were furnished to said Clerks, except the documents for the Appendix. As to the documents for the Appendix, I do not know whether they were furnished or not.

[The committee at this point decided to record the questions.]

Question by Mr. Warwick.—Whose duty was it to furnish those documents to the Copying Clerks?

A.—The Assistant Clerk's.

Question by Mr. Adkison.—Do you know if the Chief Clerk directed the Assistant Clerk to hand over, or not to hand over, those documents to the Copying Clerks?

A.—No, I do not. The duties at the desk were performed generally by the Clerks who were engaged at the desk, without special reference to the specific duties of either.

Question by Mr. Warwick.—Did Mr. Slocum ever mention to you anything in regard to the extortionate charges of the Chief Clerk?

A.—No; I don't think he did.

Question by Mr. Warwick.—Did Mr. Slocum ever say to you that it was about time to put a stop to this thing—referring to heavy charges for copying made by the Chief Clerk?

A.—I have no recollection of his having done so.

Question by Mr. Warwick.—Did you ever speak to Mr. Sedgwick concerning the compensation for this copying—saying to him that he could not have it all to himself?

A.—No. I have had no conversation nor any understanding with the Chief Clerk, Mr. Sedgwick, in regard to sharing in the profits arising from said copying. I have had no understanding whatever by which I was to derive any advantage whatever from the profits arising from such copying.

Question by Mr. Adkison.—Are you not aware that the Minutes were, during last session, furnished to the State Printer, instead of a copy of them?

A.—No; I am not aware of it, but I *think* some of the original Minutes were so furnished. I can't say what proportion. I had no means of knowing.

Question by Mr. Warwick.—The documents to be printed in the Appendix were not retained or withheld from the Copying Clerks by any complicity or consent of yours, were they?

A.—No; they were not so withheld by me, nor by anybody else, to my knowledge.

Question by Mr. Warwick.—Whose duty was it to notify the Secretary of State that a book was wanted for the Copying Clerks for the Appendix?

A.—It was the duty of the Chief Clerk. I applied to the Secretary of State for the book after the Legislature had removed to San Francisco—I think some time in February. The book was not furnished until some time in June.

On motion of Mr. Adkison, the Committee adjourned to meet on Saturday, immediately after the adjournment of the Assembly.

MARCH 3d, 1863.

Committee met at three o'clock, P. M. Present—Messrs. Warwick, Adkison, and Banks.

TESTIMONY OF H. G. WORTHINGTON.

Mr. Worthington was duly sworn.

Mr. Warwick.—Please state what conversation you had with Mr. Slocum, or any one else, concerning the furnishing of documents for the State Printer.

A.—Mr. Wood informed me of the fact that he had given his original Minutes to the Printer, after the beginning of the session. I inquired of Mr. Wood if it was proper to let original papers go out. Mr. Wood then got the Statutes of eighteen hundred and sixty-one, and referred me to section four of an Act concerning officers, on page five hundred and ninety-two.

On examining that Act, I informed Mr. Wood that I considered from the Act that I had no power to see that those Journals were copied unless it was so ordered by the Assembly. Whereupon I instructed him to let no original papers go away from the files, or their proper places, except on the order of the House. He assented to the propriety of it. Meanwhile Mr. Rowan was elected. I gave to Mr. Rowan the same instructions as applicable to all papers, bills, records, and everything else. Some time after that, Mr. Rowan informed me that the State Printer had received from Mr. Slocum, the Assistant Clerk, the Journals—that is, the Minutes of the Journal, as prepared by Colonel Wood, the Minute Clerk—for about a month. I inquired of Colonel Wood if it was so? He said yes. A few minutes after, Mr. Slocum came to the desk. I inquired of Mr. Slocum where those Minutes were? He informed me that he had given them to Mr. Avery, the State Printer. I said, in substance, to Mr. Slocum, that it was improper to thus give out the original papers; that I was the custodian of those papers, and the Clerk of this House; that I had been abused in the beginning, when I was elected, and that I didn't intend that the loss of a paper should be at all chargeable to me. Mr. Slocum then inquired whether I intended to get pay from the committee, as Sedgwick did? My answer was somewhat tart, to the effect that if I was entitled to pay the House would give it to me, and that if I was not so entitled I did not want it; but that I did not intend that any paper should go away from that desk unless by order of the House, and that I did this for my own security, and that if he would take my advice he would charge every committee man in the book with bills that they received under the order of the House, specifying the time, the number, to whom delivered, etc. Mr. Slocum then said he would have nothing further to do with those papers, and that when the State Printer came he would refer him to me.

Question by Mr. Warwick.—You know the duties of the Chief Clerk of the House?

A.—I think I do.

Question by Mr. Warwick.—Do you consider that you have a general supervision over the papers of the Assembly?

A.—I do not consider that I have such supervision. My duties are defined by law, as found in the Statutes of eighteen hundred and sixty-one, page five hundred and ninety-two.

Question by Mr. Warwick.—Did you furnish the Copying Clerks with all the matter to be copied as soon as it accumulated?

A.—I did not, for the reason that the necessity for copying was obviated by the State Printer receiving from the other Clerks—the Minute and Assistant Clerks—the original papers, upon a demand on them made during my absence, and without my knowledge.

Question by Mr. Warwick.—Did you understand at any time that there were any perquisites belonging to the office of Chief Clerk?

A.—Colonel Wood told me that last winter Mr. Sedgwick received some compensation, which was regarded as illegal.

Question by Mr. Warwick.—Was it not, then, the understanding or inference that the same thing could be done again if the documents were kept back?

A.—No, Sir.

Question by Mr. Warwick.—Did you ever say that you would apply for pay for copying, on the ground that it had been the custom to receive such pay in those cases.

A.—All the conversation I ever had on that subject was with Mr. Slocum, and that was to the effect that if I was entitled to pay, the House would give it to me, and that if I was not entitled to pay, I would not get it. I said nothing that could be construed to mean anything else, and any affidavit or statement to the contrary, is utterly untrue—a wilful fabrication.

TESTIMONY OF MARTIN ROWAN.

Mr. Rowan, being duly sworn, says :

Question by Mr. Warwick.—You were one of the Clerks of the House last winter?

A.—Yes.

Question by Mr. Warwick.—Do you recollect a resolution of the House, giving to the Chief Clerk the copying of the Journal?

A.—I recollect that such a resolution was passed before I became a Clerk of the House.

Question by Mr. Warwick.—You were around the desk for some time before you became Clerk, were you?

A.—I was, by invitation of some of the Clerks there.

Question by Mr. Warwick.—Do you know whether the Copying Clerks of last session were employed much of the time during last winter?

A.—They were not, because they were not familiar with their duties, but being fearful of having their want of competency brought to the notice of the House, they employed Judge Hanrahan to do some of their work?

Question by Mr. Warwick.—Do you know of the Copying Clerks during the last session refusing to do any copying?

A.—I do not. And I do not know that they ever applied (and I wish to refer the committee to section 8, p. 585 Wood's Digest, for the law relating to this matter.)

Question by Mr. Adkison.—When a bill is ordered printed by the House, do you consider that an order of the House for printing?

A.—Yes, certainly.

Question by Mr. Adkison.—Then whose duty was it to furnish a copy of such matter for the printer?

A.—I think, in that case, it would be the duty of the Assistant Clerk to notify the Copying Clerks that there is business for them.

Question by Mr. Warwick.—Were you employed by Mr. Wood to copy anything after the close of the last session?

A.—I was.

Question by Mr. Warwick.—How much did you get for such service?

A.—I think I got one hundred and ninety one dollars.

Question by Mr. Warwick.—Did you know that Judge Hanrahan was doing the copying for the Copying Clerks?

A.—I did not.

Question by Mr. Warwick.—Are you acquainted with Judge Hanrahan's qualifications as a Clerk?

A.—I am.

Question by Mr. Warwick.—Have you any idea as to the number of folios you copied for Colonel Wood?

A.—I can not say certainly; the whole of the Appendix amounted to between five hundred and six hundred pages?

Mr. Wood.—I desire just here to say a word; did you or not also copy the documents for the Appendix, for the printer? and were these the documents copied in the Senate?

A.—These were not copied in both Houses that I know of, or, at least, not so far as the Assembly documents were concerned; but some joint reports, of not over eight or ten pages in all, were copied into the Assembly Appendix.

Question by Mr. Wood.—You were engaged in the Assembly as Clerk, from the first of March up to the close of the session, were you not; and do you know that I retained all or any of the documents that were to go into the Appendix?

A.—I was so employed, and I do not know of any such retention.

Question by Mr. Wood.—Upon the adjournment of the Legislature, did you or not aid and assist me in hunting up the materials for the Appendix, and were any of them in my possession?

A.—The day after the adjournment we secured a book, and took from the Clerk's desk all the papers which were to go into the Appendix, and I aided Mr. Slocum in making the selection.

Question by Mr. Wood.—Please state what you received, and what proportion of the whole amount received for copying did you receive?

A.—I received one half; that was one hundred and ninety-one dollars.

Question by Mr. Warwick.—Did you do all the work?

A.—I did.

[Mr. Wood desires to state that the following, in Mr. Slocum's statement: "Mr. Wood had retained, during the session, all the documents that were to go into the Appendix, and from that time he retained also the Minutes," is *unqualifiedly untrue*.]

Question by Mr. Warwick to Mr. Wood.—What was the whole amount you received for copying, of every kind and description?

Answer of Mr. Wood.—Three hundred and eighty two dollars and some cents, my half of which I sold for seventy cents on the dollar.

Question by Mr. Warwick.—If the copying of the House had been properly conducted, could not the greater portion of such copying have been done by the Copying Clerks?

Answer by Mr. Wood.—If the Copying Clerks had been competent, and the Secretary of State had furnished the book, which was not furnished until several weeks after the adjournment, they could have done it.

Question by Mr. Adkison.—Can you state the reason why the matter to be copied was not given to the Copying Clerks?

Answer by Mr. Wood.—The matter for the Appendix was not copied because the book had not been furnished, although I had applied for it to the Secretary of State about the middle of the session. I obtained it from the Secretary of State upon my application, by letter, after the close of the session. I have made three trips to Sacramento, at an expense of forty-five dollars for passage money, for the purpose of having my accounts audited; once the Secretary of State was absent, and his Deputy declined; next, the Secretary of State was about to go away, and did not seem inclined to give it his attention; the next time he audited all the account except for the matter of the Appendix furnished the printer, which he desired to have audited by a committee of the Assembly.

Question by Mr. Warwick.—Was there any disagreement between you and the Secretary of State as to the amount of your claim?

Answer by Mr. Wood.—There was no disagreement about the three hundred and eighty-two dollars, which I did receive, but he declined to audit for the copying of the Appendix matter furnished to the printer, which amounted to about two hundred dollars, which would amount in all to five hundred and eighty-one dollars.

On motion, the committee adjourned to meet to-morrow afternoon, immediately after the adjournment of the House.

STATEMENT OF GEORGE C. HOUGH,

RELATIVE TO COPYING, ETC., FOR THE ASSEMBLY, SESSION OF 1862.

I was one of the Copying Clerks of the Assembly of this State for the session of eighteen hundred and sixty-two; Mr. Charles T. Jennings was the other. I had a gentleman, Mr. Daniel Hanrahan, employed most of the winter to write for me. He was a very fine and rapid writer, and a good scholar. I informed the Chief Clerk, Mr. Sedgwick, and the Assistant Clerk, Mr. Slocum, of the fact of Mr. Hanrahan being at all times ready to do any writing that they might desire to have done. I know Mr. Hanrahan was quite as steadily in the Clerks' room as was necessary, and that he ever performed any duty required of him for me. The way I know this is, that I was in the Clerks' room or about the Chamber most of the time myself, and always did myself, or caused it to be done, any writing that I was requested to do. Mr. John Lee also wrote some for me, and offered to write for me at any time, and was almost always about the Capitol. There was also another gentleman, who writes an elegant hand, and who was generally about the Capitol, (after the Legislature removed to San Francisco,) who was under some obligations to me, and who was doing nothing, that often requested me to let him do my writing, and I always had to inform him I had nothing to do myself. I went to Mr. Sedgwick, I think about three times, in the early part of the session, and asked him to give me the original Journals, so as to copy them for the printer, saying to him I would rather copy them from day to day than to let them get behind, and then have a hard job to catch

up; I, however, informed him that there was really no necessity for copying them, as the originals could be given to the printer after they were spread on the Journal (Book.) He always treated me courteously, but said "never mind," or something of that sort. The other copying necessary, or rather required to be done by law, was the copying of the bills for the printer; some of those sent to me or which I received from the Chief or Assistant Clerks, I copied, some Mr. Jennings copied, and some Mr. Hanrahan, who wrote for me, or Mr. Smith, who wrote for Mr. Jennings; but the majority of those bills that were given into my charge I gave the printer in the evening, and got them back the next morning, thereby saving the very useless labor of copying. I have been a Clerk about this and other State Legislatures before, and one session in the Senate of the United States, and I know that four-fifths of all the bills ordered printed during any session when I have been about the California Legislature have been printed by giving the original bill to the printer, and I conceive it to be the best and safest manner to prevent mistakes; and I never heard of a bill or Journal being copied for the printer in any other State, and I do know that it is not done by the United States Senate, but the originals are given to the compositors, and then returned when they have finished setting the matter up. The only error I heard of last winter in the printing occurred in a bill (I think it was introduced by Mr. Irwin) which I copied myself. I usually made a practice of going to the Chief Clerk's desk immediately after the adjournment on each day, and asking if there was any writing to be done; sometimes I did not go, as I was informed by Mr. Jennings or Mr. Hanrahan that they had been to the desk.

I feel sure that all the writing was done by Mr. Jennings, or myself, or by those we got to do it for us, *promptly*, whenever we were requested so to do by either the Chief Clerk, the Assistant Clerk, or the Minute Clerk. I feel equally sure that with very few exceptions, either Mr. Jennings or myself, and generally both of us, were in our room at the Capitol every day during business hours, or if not in our room, then on the floor of the Assembly Chamber, and easily to be found, and I do know that Mr. Jennings was particularly attentive, and always ready to perform any duty required of him as one of the Copying Clerks last winter. I never heard any complaint from any person last winter about the copying, except once, and that was from Mr. Slocum. I have forgotten just what it was about, but I know I then thought it was about some writing he ought to have done himself; he complained it was not done well enough. I afterwards asked the Foreman at the printing office if they found any difficulty in making out the text in any of the copies we furnished him, and he said they were sufficiently legible.

The reason why I employed Mr. Hanrahan was because I did not write a clerkly hand, and because I did not feel disposed to confine myself to the desk during the winter. I paid Mr. Hanrahan out of my own pocket for the service he did in my department, but I think I have heard him say that both Mr. Jennings and Mr. Fellows, (the Journal Clerk,) had given him money. I requested Mr. Hanrahan to write for Mr. Fellows whenever he had nothing to do for me, and he did do a good deal of writing for Mr. Fellows, who occupied the same rooms that Mr. Jennings and myself did; and he (Mr. Fellows) being a very courteous and generous gentleman, and his Journal having to be written up between the adjournment of one day and the meeting of the next day, and he not being a very rapid penman, was the reason why I made the request of Mr. Hanrahan.

When elected Copying Clerk I did not intend to qualify, as I did not ask for that position, but for that of Sergeant-at-Arms, and only qualified at the earnest solicitation of Messrs. B. P. Avery, D. Love, and J. Cunnard.

I recollect the passage of the resolution authorizing the Chief Clerk to furnish the State Printer with Journals, Appendix, etc. On the same day of the passage, or within a day or two after, I recollect of saying to some of my friends that it was a very good thing to put a little money into some person's pocket; whether it was some extra Copying Clerks, or the Chief Clerk, I did not know.

As to the necessity of Copying Clerks, I am sure there is nothing, really nothing, necessarily, for them to do. In eighteen hundred and fifty-six I copied the Journals of the Senate for the Printer. It usually took about four to five hours per day to copy them, and I refer to Mr. Bausman, Secretary of the Senate that winter, for the manner I accomplished the duty assigned me. I think all the writing done by myself or caused to be done by me last winter, did not average much over one hour per day.

As to the other officers of the Legislature, I think that the law should be amended so that the Sergeant-at-Arms and Chief Clerk should be all the elective officers, and that the Sergeant-at-Arms should be empowered to appoint four Pages, one to act as Postmaster and his Clerk, and three for the House—one Fireman and two Porters; and the Clerk to appoint one Assistant Clerk, one Journal and one Appendix Clerk, one Engrossing and one Enrolling Clerk, with power to appoint not exceeding two Assistants for each, whenever the Committees of Enrolment or Engrossment might deem them necessary, giving the said Sergeant-at-Arms and Chief Clerk power to appoint and remove at pleasure; and making it the duty of some Standing Committee to report to the House, on each and every Monday, whether the work of the several officers were well and properly performed and kept up. I feel assured that the number of officers I have named, if competent, can, with far less labor than is required of Clerks in the business of private individuals, perform all of the necessary duty required to be done in and about the Assembly.

I have written this statement out at some length, because I did not wish to do any injustice to any of the various officers of last winter, and particularly to the Chief Clerk, Mr. Sedgwick, or Mr. Jennings, both of whom treated me with great kindness and respect.

Very respectfully, yours, etc.

GEO. C. HOUGH.

STATE OF CALIFORNIA, }
City and County of San Francisco. } ss.

George C. Hough, being duly sworn, says: That he has carefully read the foregoing statement of himself, and believes the same to be true.

GEO. C. HOUGH.

Subscribed and sworn to before me this ninth day of March,
A. D. eighteen hundred and sixty-three.

{
SEAL.
}

T. D. MATHEWSON,
Notary Public.

MARCH 28th, 1863.

The Committee met in the office of the Secretary of State, and proceeded to examine the original scrolls of the thirteenth session.

After a careful examination of all the bundles, they were unable to find a single scroll (except those written during the last seventeen days of the session by Colonel Wood) which had not been used by the printer.

As Mr. Sedgwick, the Chief Clerk, had positively sworn that he himself had been engaged for a month, and had paid the sum of six hundred dollars for copying, the committee were careful to examine all the scrolls, and not one shadow of evidence existed that any such copying had been done; on the contrary, the proof is conclusive that not a line of the copying was performed as is alleged.

Mr. Elder, the Foreman of the State Printer during the thirteenth session, was called before the committee, and on being questioned as to the matter before the committee, testified as follows :

TESTIMONY OF A. J. ELDER.

Mr. A. J. Elder, being duly sworn, says :

I am Business Manager of the State Printer's office. I was acting in the same capacity last winter. Receipts were given to persons bringing to the office matter for printing. Such receipts were given for "copy" furnished by the Chief Clerk last winter. These receipts indicated the dates of or numbers of the documents furnished, and not the quantity of matter embraced in said copy.

Upon an examination, I find the printers' marks on the Minutes submitted to me.

We found no original Minutes without printers' marks, except those given to Colonel Wood, for the purpose of having them copied—that is the Minutes for the last seventeen days of the session.

We find no Minutes for January. We find no original Appendix matter.

Of written Assembly Journal, there are one thousand one hundred and twenty-six pages, which, at an average of five folios per page, nearly double the average amount per page, makes five thousand six hundred and thirty folios.

Colonel Wood has received for copying Journals. (for seventeen days,) two hundred and seventy-five dollars, which, with the sum of one thousand four hundred and seventy-nine dollars and twenty cents, paid Sedgwick, makes, for copying the Journal, one thousand seven hundred and fifty-four dollars and twenty cents, which, at ten cents per folio, the amount allowed by the Committee on Accounts and Expenditures, and ordered paid by the Assembly, would make seventeen thousand five hundred and forty-two folios, or eleven thousand nine hundred and twelve folios more than are embraced in the Journal.

The number of pages in the printed Journal of the Assembly is seven hundred and sixty-two, and taking page three hundred and eighty-two

of Assembly Journal as a fair sample, we find that the number of folios in Assembly Journal is three thousand five hundred and fifty-eight.

Estimating, as a fair average, two hundred and fifty words, or two and a half folios to the page of the written Journal, we find that there are two thousand eight hundred and fifteen folios in the Journal of the Assembly, which may be regarded as a fair calculation of the number of folios to be copied under the resolution by virtue of which it is alleged the copying was done.

TESTIMONY OF J. W. AVERY.

J. W. Avery, sworn.

Question.—Do you recollect a resolution being offered July thirtieth, eighteen hundred and sixty-two, authorizing the Chief Clerk to furnish the State Printer matter for publication?

A.—I recollect of a resolution being offered at that time. I recognize the copy here read as the one. It was offered by me. The Assistant and Chief Clerk suggested it to me. Mr. Slocum spoke to me three or four times about it; Mr. Sedgwick also. I told Slocum and Sedgwick I was opposed to such resolutions, but I would see about it. I showed the resolution to the State Printer, and asked his advice. He told me copy had not been furnished, and he desired something of the kind done, as he could keep up. I think Mr. Slocum said the Clerks could not do what they were called upon to do, and the passage of this resolution would be more economical than to authorize the Chief Clerk to do this, as the Copying Clerks were incompetent. I think Sedgwick spoke to me, but Slocum was quite persistent, and spoke to me three or four times about it. I did not pause to consider whether the Chief Clerk would be entitled to pay under my resolution. I was very busy, and tried to see the Clerks for two or three days, but could not. I held the resolution for three or four days.

TESTIMONY OF B. P. AVERY.

Mr. B. P. Avery, affirmed.

Question.—Who got the copying from the House for the State Printer last winter?

A.—I think Mr. Elder.

Q.—Do you know of original bills and Minutes furnished to set copy by?

A.—I do.

Q.—Did you furnish the Committee on Public Expenditures and Accounts with any data from which they could make up the amount of copying furnished by the Chief Clerk?

A.—To the best of my recollection, no.

Q.—Have you any means of arriving at the amount of copying fur-

nished you between the dates from the twenty-fourth day of April to the fourteenth day of May?

A.—Yes, approximately, by inquiring of the Foreman, and examining the books of the compositors.

Q.—Were there original Minutes and bills furnished you last session?

A.—Yes, there were; the largest proportion of the matter I obtained were bills.

TESTIMONY OF MR. SEDGWICK.

Mr. Sedgwick read affidavits of W. W. Battles, of Mr. Hillyer, and of J. C. Sargent; also stated that he had, on more than one occasion, made application for a book in which to copy the Appendix.

Mr. Sedgwick was duly sworn, and said:

Question by Mr. Warwick.—Whom did you employ to do this copying?

A.—Seth G. Sneden, Judge Hanrahan, and Martin Rowan, and the balance I did myself.

Question by Mr. Warwick.—How much did you pay to those you employed to do copying?

A.—I had the account kept in a memorandum book, which I lost about three weeks ago. I remember I made between five hundred and six hundred dollars.

Committee adjourned to meet at nine o'clock on Friday morning.

TESTIMONY OF MR. JENNINGS.

First—I was one of the Copying Clerks of the Assembly last session.

Second—I was in our room, or on the floor of the House, nearly all the time during business hours, but my time was not occupied in writing more than two or three hours each day, on an average.

Third—I was, at all times, ready to do my duty, and I also had a man in the office to help me whenever he was asked to do so.

Fourth—The resolution referred to in this question I knew nothing of until after its adoption, and I then spoke disapprovingly of it, both to my friends and to Mr. Sedgwick.

Fifth—I did apply to Mr. Sedgwick, on several occasions, for the book to write the Appendix in. He usually put me off by telling me to wait for a while, or its equivalent.

The above answers are correct and true, to the best of my knowledge and belief.

CHARLES T. JENNINGS.

Sacramento, March 10th, 1863.

STATEMENT OF SETH G. SNEDEN.

STATE OF CALIFORNIA, }
 County of Tuolumne. } ss.

Seth G. Sneden, being duly sworn, deposes and says, that he is now a resident of the county aforesaid, and has been almost continually for the past eleven years, and was Under Sheriff under John Sedgwick, late Sheriff of said county; that during the session of the Legislature of eighteen hundred and sixty-two, in San Francisco, he was employed by John Sedgwick, then Clerk of the House, to do copying from the Journal, and did perform said labor.

SETH G. SNEDEN.

Sworn and subscribed before me, this twentieth day of
 March, A. D. eighteen hundred and sixty-three.

H. B. McNEIL,
 Notary Public, Tuolumne County.

SEAL.

STATEMENT OF E. W. HILLYER.

BENICIA BARRACKS, }
 March 18th, 1863. }

I, E. W. Hillyer, do hereby certify that during the last session of the Legislature I was Chairman of the Committee on Public Expenditures and Accounts; that the bills of John Sedgwick, Clerk of the House, for copying the Journals of the House for the State Printer were, up to the time I left the Legislature, (April twenty-fourth, eighteen hundred and sixty-two,) audited upon certificates of the State Printer that the copy for which said bills were drawn had been furnished.

I further certify that when the first bill for this copying was presented to the committee, I went (I think at the request of Mr. Sedgwick himself) to the office of the State Printer, and made a personal examination of the copy furnished, and found the number of folios to be as charged in the bill.

Witness my hand.

E. W. HILLYER.

STATEMENT OF J. C. SARGENT.

STATE OF CALIFORNIA, }
 Sacramento County. } ss.

J C. Sargent, of the County of Yuba, being duly sworn, on his oath says:

That he was a member of the Committee on Public Expenditures and

Accounts of the Assembly for the year eighteen hundred and sixty-two; that it was the duty of said committee to examine and pass upon all accounts for special services and goods furnished by order of the Assembly, among which were bills of the Chief Clerk for copying furnished the State Printer; that the said Chief Clerk, in addition to the law on that subject, was specially directed by resolution of the Assembly to furnish the State Printer with journals, bills, and all documents ordered printed by the Assembly; that from time to time said committee audited and the Assembly ordered paid, sundry bills for the special services of said Chief Clerk, and that said bills were certified to by the State Printer, that the number of folios and matter demanded to be paid for had been furnished to him; that after leave of absence was granted to Hon. E. W. Hillyer, Chairman of the committee, on the twenty-fourth day of April, deponent acted in that capacity, and that it became his duty to act and report upon the subject matter hereof; and that subsequently to the date above mentioned, deponent and the entire committee were satisfied of the correctness of the demands made for the services of said Chief Clerk, John Sedgwick, rendered in this behalf, and that every such bill during the session was unanimously approved by the Committee.

J. C. SARGENT.



Subscribed and sworn to before me, this nineteenth day of March, A. D. eighteen hundred and sixty-three.

A. A. H. TUTTLE,
Notary Public.

STATEMENT OF WILLIAM WARD BATTLES.

STATE OF CALIFORNIA, }
City and County of San Francisco. } ss.

William Ward Battles, being duly sworn, deposes and says, that he was a member of the Committee on Public Accounts and Expenditure of the Assembly of the Legislature of the year eighteen hundred and sixty-two; that bills for copying of said Assembly, presented by John Sedgwick, Clerk of said Assembly, were audited on certificates by the State Printer, B. P. Avery, that the amount of copying for which said bills were drawn had been done by said Clerk.

WILLIAM WARD BATTLES.



Sworn to and subscribed this seventeenth day of March A. D. eighteen hundred and sixty-three, before me,

ALFRED BÄRSTOW,
Notary Public.

PROCEEDINGS AND DOCUMENTS

IN THE

CONTESTED ELECTION CASE

OF

BAKER VS. FREEMAN.

.....
BENJ. P. AVERY.....STATE PRINTER.

PETITION OF NATHAN BAKER.

To the Honorable the Members of the Assembly of the State of California :

The petition of the undersigned respectfully represents :

That he is a white male citizen of the United States of America, and was such on the third day of September, A. D. eighteen hundred and sixty-two ;

That at that period he was and had been a citizen of the State of California more than twelve months then preceding ;

That he had been a citizen of the County of Tulare in said State for the past twelve months and more ;

That on the third day of September, eighteen hundred and sixty-two, he was a candidate for the position of Assemblyman from said County of Tulare, and was voted for for said office by the qualified electors thereof ;

That at said election one J. W. Freeman was likewise voted for for member of Assembly ;

That at said election there were eleven Election Districts declared by the Board of Supervisors of Tulare County in and for said county ;

That a majority of said Board of Supervisors were disloyal to the Government of the United States, and refused to appoint a certain precinct an Election District, viz : " Oak Creek " Precinct, because of the loyalty of the voters thereof to the Government of the United States ;

That notwithstanding the fraud thus committed by the Board of Supervisors upon the rights of the people, the voters met at Oak Creek Precinct, opened the polls, and fully complying with the forms of law, held an election for representative and other officers ;

That at said Oak Creek Precinct there were one hundred votes polled, of which Contestant received ninety-five ; and Contestant charges the fact to be that all of said voters were legally qualified ;

That said returns were duly and properly filed with the Clerk of Tulare County, but the said Board of Supervisors, in fraud of Contestant's rights, refused to count them with the other returns from said county, and afterwards ordered a certificate to issue to said J. W. Freeman, whereas said certificate should have been issued to this Contestant ;

That said Board of Supervisors, in fraud of Contestant's rights, and

by refusing to count in "Oak Creek" Precinct, declared that said Freeman received four hundred and thirty-five votes for member of Assembly, and this Contestant four hundred and twenty-five votes, whereas the proper and legal count was four hundred and thirty-five votes for said Freeman, and five hundred and twenty votes for this Contestant, giving him eighty-five votes majority;

Wherefore, your petitioner most solemnly and earnestly protests against said Freeman taking his seat as a member of Assembly from Tulare County. He prays that a committee may be appointed to examine the matter; that he be declared the legally elected member of the Assembly from Tulare County, and as such entitled to take his seat; that he may be allowed to appear before a committee of your honorable body, in person and by Counsel, with his proofs, and likewise to appear at the bar of the Assembly. And your petitioner will ever pray.

NATHAN BAKER.

—

STATE OF CALIFORNIA,
City and County of Sacramento. }

N. Baker, being duly sworn, deposes and says, that he has read the foregoing, and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and that as to those matters he believes it to be true.

NATHAN BAKER.

Sworn to and subscribed before me this fifth day of January, eighteen hundred and sixty-three.

JAMES COGGINS,
Justice of the Peace, City and County of Sacramento.

ANSWER OF J. W. FREEMAN.

NATHAN BAKER, Petitioner, }
vs. }
J. W. FREEMAN, Respondent. }

The answer of Respondent to the petition herein, or so much thereof as is material to be answered, for answer thereto says: That the first five allegations in said petition are believed by this Respondent to be true; that the sixth, to wit: "That a majority of said Board of Supervisors were disloyal to the Government of the United States, and refused to appoint a certain precinct an Election District, viz., 'Oak Creek' Precinct, because of the loyalty of the voters thereof to the Government of the United States," is false; and this Respondent avers the fact to be, that there never was an Election Precinct or District at any time established by the Board of Supervisors of Tulare County known as "Oak Creek" Precinct, nor is there any precinct, place, point, or district, situate in said County of Tulare, known by such name.

The allegation therein, to wit: "That notwithstanding the fraud thus committed by the Board of Supervisors upon the rights of the people, the voters met at 'Oak Creek' Precinct, opened the polls, and fully complying with the forms of law, held an election for representative and other officers," is believed by this Respondent not to be strictly true; that this Respondent is informed and believes the fact to be, that the place represented as "Oak Creek" Precinct, and so designated in the petition of Petitioner, is located somewhere in "Owen's Valley," in the County of "Mono," and is a military post or camp of the United States Government, at which there are no citizens residing, and no other persons than those in the military service of the United States, and not entitled to vote under the law, not having enlisted in said county, stationed thereat; and, further, this Respondent is informed and believes that at said election, so held in said Mono County, at said military post, none of the requirements of law were complied with; that all who voted were required to vote an open ticket, and for particular persons designated by the conductors of the so-called election; that the whole affair was intended as a fraud, was inaugurated by unscrupulous swindlers, and intended to be used for such purposes before the present Legislature of this State, (not by the Petitioner herein,) but by persons seeking notoriety through mercenary motives.

The allegation, "That at said 'Oak Creek' Precinct there were one hundred votes polled, of which Contestant received ninety-five, and Contestant charges the fact to be that all of said voters were legally qualified," is not true as a whole; that so much thereof as relates to the number of votes polled is without the knowledge of this Respondent, except from rumor; and that so much thereof as relates to the legal qualifications of the voters, this Respondent is informed and believes to be untrue; and this Respondent avers the fact to be that the persons so voting, as well as the place at which they voted, were without the limits of Tulare County.

The allegation, "That said returns were duly and properly filed with the Clerk of Tulare County, but the said Board of Supervisors, in fraud of Contestant's rights, refused to count them with the other returns from said county," is not true; and this Respondent avers the fact to be, that a sealed package was filed in the office of the Clerk of Tulare County, purporting to be "Election Returns" from "Oak Creek Precinct," and that the Board of Supervisors refused to order it opened, alleging that there was no such precinct known to them in said county; and, after hearing testimony as to the locality thereof, decided that the said "Oak Creek" Precinct was not within the County of Tulare, and not entitled to be opened. And this Respondent further avers, that at the time said Board of Supervisors canvassed the election returns of said county, the Petitioner was represented by his Counsel before said Board, and that his said Counsel, after hearing the testimony in the premises, gave an opinion to said Board that they, said Board, ought not to open the said package purporting to be returns from "Oak Creek" Precinct.

And this Respondent avers that it is true, that said Board of Supervisors "ordered a certificate to issue to said J. W. Freeman;" that they done so properly, and ought not to have ordered a certificate to issue to Contestant; that no fraud was committed on Contestant's rights by reason thereof; and that this Respondent received a majority of all the votes polled in Tulare County for Assemblyman at the general election held therein on the third day of September last, by reason of which he is justly entitled to his seat as Assemblyman for said Tulare County.

J. W. FREEMAN.

—

STATE OF CALIFORNIA, }
County of Sacramento, } ss.

J. W. Freeman, being duly sworn, deposes and says, he has read the foregoing answer, and knows the contents thereof; that the matters therein stated of his own knowledge are true, and those stated on information or belief, he believes to be true.

J. W. FREEMAN.

Subscribed and sworn to before me on this tenth day of January, A. D. eighteen hundred and sixty-three.

J. W. OWEN,
Chairman of Committee on Elections.

TESTIMONY IN CASE OF BAKER VS. FREEMAN.

TESTIMONY OF JOSHUA E. CLAYTON.

Joshua E. Clayton, presented and sworn, testified as follows :

DIRECT EXAMINATION.

Question.—What is your name?

Answer.—Joshua E. Clayton.

Q.—What is your business?

A.—Mining and Engineering.

Q.—Where do you reside?

A.—At Owen's River.

Q.—What county?

A.—Tulare County.

Q.—Are you acquainted with the boundaries of Tulare County?

A.—Can't say that I am, only by what is known from maps, and from what knowledge I have of the conformation of the country.

Q.—Are you acquainted with a place named Camp Independence, and sometimes Oak Creek?

A.—I am; it is on Oak Creek.

Q.—Do you know where the precinct was at the last election?

A.—I have always understood that it was at or near Camp Independence.

Q.—Are you sufficiently acquainted with the boundaries of Tulare County to know whether it is in the county?

A.—I can state the data. (Map marked "Exhibit A," shown.) I made the survey of a ditch from Owen's River, nearly opposite Camp Independence. I found the township and section lines of the public surveys, and I took observations from Camp Independence, for the purpose of locating its position. I have not my field notes with me; but it is about half a mile north of the United States Township line between Townships Twelve and Thirteen. (Witness dots this point.) The Camp will be near the lower, or southern line of Township Twelve. That is as near as I can locate it without reference to my field notes.

Q.—State anything you know with regard to the boundary between Tulare, Mono, and Fresno Counties.

A.—This map only gives the eastern range, which is really the summit of the Sierra Nevadas. West of that is another range which terminates in Greenhorn Mountain. I never have traced the divide between Fresno and Tulare Counties.

Q.—Have you traced the line between Mono and Tulare?

A.—No line has been established, except by maps in existence. There is no official line.

Q.—Will you give your opinion as to where Oak Creek or Camp Independence is?

A.—It is not less than twelve miles south of the Mono line, in Tulare County, and it may be twenty-five or thirty miles in said county.

Q.—Are you acquainted with the Russ District?

A.—Yes, Sir.

Q.—Is the Russ District in Tulare County?

A.—I think it is, sir.

Q.—Where is property recorded in that county?

A.—In Visalia, Tulare County.

Q.—Do you know of any officials acting in this district?

A.—Mr. Tuttle, Surveyor of Mono County, has been living down there. He has been prospecting in the mines located down there; has an instrument down there; and claims it to be in Mono County. Have seen several certificates he has made for parties, dating them Mono County.

Q.—Please mark down the streams on that map?

A.—It will be rather difficult. A stream comes in at this point (dotted by witness) called George's Creek, (marked by witness "G"); next, Long Pine Creek, (marked "L. P."); third, one called Little Pine, (also marked "L. P."); Oak Creek, as marked on the map; next, Big Pine, near where the county line is marked; it runs through Township Nine, and is the mark of boundary on the map.

Q.—How far is Oak Creek south of Big Pine Creek?

A.—Some twenty or twenty-five miles, I believe. Should call it so.

Q.—From your knowledge of the statutes defining the boundaries of the county, and the geography of the country, state the line between Mono and Tulare Counties.

A.—As a matter of course, there can be no definite statement of it. My opinion is, as far as I have been able to ascertain from public surveys and the geography of the country, that the line should be somewhere near where it is marked on the map. The main ridge of the Sierra Nevadas is much higher near the northern extremity of Owen's Valley than it is south of the valley. It also divides into two parallel ranges somewhere near the head of King's River, the Sierra Nevadas, or principal summit, extending down to Walker's Pass, and the western range terminating in what is called Greenhorn Mountain. Kern River heads between those parallel ranges, and runs nearly due south to a point near Keysville, where it cuts through the mountain. Consequently, the dividing ridge between the Koweia and Kings Rivers would become the dividing ridge between Kern River and Kings River before it would intersect the summit of the Sierra Nevadas. I do not know positively where the two dividing ridges branch off.

Q.—Accepting the boundary line defined on the map as true, would it place Oak Creek in Tulare County? and if so, how far?

A.—Yes; and about twenty miles in Tulare County.

Q.—Are you well acquainted in that vicinity?

A.—I am in Owen's Valley.

Q.—Is there a voting population in that vicinity?

A.—There are some people; I don't know how many. A good many ranches were located there before the Reservation was settled.

Q.—In your opinion, is Russ District wholly in Tulare County?

A.—I think it is always so considered.

Q.—How do you arrive at this conclusion?

A.—It has been claimed by property holders that it is in Tulare County. They have been assessed and have paid taxes in Tulare County.

CROSS EXAMINATION.

Q.—Are the conclusions to which you have arrived, in regard to the boundaries between the two counties, based on the correctness of the map on exhibit, compiled by Leander Ransom?

A.—Not exclusively, but in part; in connection with maps of public survey, and personal observation of the country.

Q.—Did you ever trace the line between the northern line of Tulare County and the southern line of Fresno County?

A.—I never have.

Q.—Can you point to the place on the summit where the boundary line between Tulare and Fresno Counties crosses?

A.—I cannot.

Q.—Is your conclusion in regard to the point where the line crosses the mountain based on your supposition of the correctness of the map?

A.—It is based on my supposition of the correctness of the map, on the map of public surveys, and on personal observation.

Q.—Have you ever travelled from Owen's Lake to Oak Creek?

A.—I have.

Q.—What is the distance between the two points?

A.—By road, in the neighborhood of thirty miles.

Q.—Is it not forty?

A.—I do not think it is.

Q.—What is the distance by the map (Holt's) between the two points?

A.—It is about twenty miles by the township lines of the map on exhibit?

Q.—Are the creeks, as designated by you on Holt's map, so designated from your knowledge of the country, or from actual survey?

A.—They are all designated from my knowledge of the country, except Oak Creek, at the point where the troops are stationed. I fix that point by actual observation from the east side of Owen's River. It is probably about six miles from Camp Independence. I took the observation from two corner stakes, about one mile apart, at least a mile east of the river.

RE-DIRECT EXAMINATION.

Q.—Are you acquainted with Leander Ransom?

A.—I am?

Q.—What is his profession?

A.—He is an Engineer and Surveyor. I knew him as Chief Clerk in the Surveyor-General's office, where he was about eight years.

[Map introduced, and marked "Exhibit A."]

[Signed:]

J. E. CLAYTON.

A true copy.

Attest: W. S. URMY, Clerk

TESTIMONY OF J. F. HOUGHTON.

General J. F. Houghton, being presented and sworn, testified as follows :

DIRECT EXAMINATION.

Question.—What is your name?

Answer.—J. F. Houghton.

Q.—What is your business?

A.—Surveyor-General of the State.

[Witness handed map marked "Exhibit A."]

Q.—Is that map recognized in your office as a correct map of the boundaries of Fresno, Mono, and Tulare Counties?

A.—No, Sir, it is not. In absence of other maps this is referred to. It is a compilation of all other maps, and is regarded as generally correct.

Q.—Is there any other map in your office where these boundaries are defined?

A.—There is not.

Q.—In the business of your office is the map referred to, and the boundaries regarded as correct, for the business of your office?

A.—We have had no business relating to that part of the State, with the exception of sales of land about Visalia.

Q.—Are you acquainted with Leander Ransom?

A.—I am.

Q.—What is his business?

A.—He is General Land Agent, and State Locating Agent for San Francisco District.

[Signed :]

J. F. HOUGHTON.

A true copy.

Attest : W. S. URMY, Clerk.

TESTIMONY OF R. S. WHIGHAM,

R. S. Whigham, being presented and sworn, testified as follows :

DIRECT EXAMINATION.

Question.—What is your name?

Answer.—R. S. Whigham.

Q.—Where do you reside?

A.—For the past nine months I have been in Walker's Pass, and in Russ District.

Q.—Where, in Russ District, are you located?

A.—At Camp Union, or Union Mills.

Q.—Do you know a point in Russ District called Oak Creek, or Camp Independence?

A.—Yes, Sir.

Q.—How far is it from Union Mills to Oak Creek?

A.—We estimate it at fifteen miles.

Q.—Do you know in what county Oak Creek is?

A.—Have always regarded it as in Tulare County.

Q.—In what county do the people at that point pay their taxes?

A.—As far as I know, in Tulare County; they have been assessed in Tulare.

Q.—Are you acquainted with the records of Russ District?

A.—Yes, Sir.

Q.—Where are conveyances filed for Russ District?

A.—The Union Company's are filed in Tulare County. The Bullion Company's, (which is nearest to Oak Creek, and nearly opposite,) are filed in Tulare County.

Q.—Do you know of any officials of Mono County as acting in that district?

A.—There have been none up to the time I left.

Q.—What officers have done the assessing and collecting in that district?

A.—Officers of Tulare County.

Q.—Are you well acquainted in that vicinity?

A.—Yes, Sir.

Q.—Were you there last September, at the election?

A.—I was.

Q.—Was there a large or small population in the vicinity of Oak Creek at that time?

A.—There were three companies of United States soldiers there.

Q.—Are there any settlements in that valley?

A.—There are settlers all the way from the foot of the Lake up to Oak Creek, and about there.

Q.—Did you vote last Fall, and where?

A.—I was Inspector of Election in our precinct, at the Union Mills.

Q.—How many votes were cast?

A.—Thirty-four, I think.

Q.—Are you acquainted with the reputation of the Board of Supervisors of Tulare County, as regards loyalty to the United States Government?

A.—In our district they are regarded as Secessionists.

CROSS EXAMINATION.

Q.—Has the property of Union Mills ever been assessed by the Assessor of Tulare County?

A.—When we were lying in Walker's Pass, last May, kept out by the Indians, the Assessor of Tulare County came in there to assess the property going into Owen's River District, and did so?

Q.—Where is Walker's Pass?

[Pointed to by witness, on map marked "A."]

Q.—How far south of Oak Creek is Walker's Pass?

A.—Should estimate it at one hundred and thirty-eight miles, on the travelled road.

Q.—Have you been assessed at the mills by the Assessor of Tulare County?

A.—Not at the mills. The Assessor claimed to be on his way to Russ District to assess property there, when I was assessed at Walker's Pass.

Q.—Has the Assessor of Mono County ever visited your district to assess property there?

A.—He has not.

Q.—Who has been Recorder of mining claims in Russ District, or who has been for the last twelve months?

A.—We elected a Recorder there last August. Russ was Recorder up to that time. We elected Mr. Tuttle, and afterwards turned him out.

Q.—Is the precinct established at Union Mills about central for the voting population, both mining and agricultural, of Owen's Valley, as to convenience for the settled portion of the valley?

A.—No, sir. There is no convenience about it. There should have been two or three other precincts, to have made it convenient at all.

Q.—Are not the greater portion of the citizens of that (Owen's) valley in the vicinity of Union Mills?

A.—With the exception of United States troops, they are.

Q.—At the election held at Union Mills, did the United States soldiers, in uniform, vote at the polls?

[Question objected to, and objection sustained.]

RE-DIRECT EXAMINATION.

Q.—How long was Mr. Tuttle the Recorder of Russ District?

A.—Perhaps about two months.

Q.—Why was he changed?

A.—Mr. Tuttle, as the Recorder of the district, was keeping the books as being in Mono or Tulare County, and the miners, being satisfied that they belonged to Tulare County, did not wish the books kept in that way, so called a meeting of the miners, and had a new election ordered.

Q.—Since that time, have the records been made in Tulare County?

A.—They have.

[Signed:]

R. S. WHIGHAM.

A true copy.

Attest: W. S. URMY, Clerk.

TESTIMONY OF E. E. CALHOUN.

Mr. Calhoun, presented for sitting member, and sworn, testified as follows:

DIRECT EXAMINATION.

Question.—What is your name?

Answer.—E. E. Calhoun.

Q.—What is your occupation or business?

A.—County Clerk of Tulare County.

Q.—Were you Clerk of that county preceding the last general election?

A.—I was.

Q.—Was there an application made to the Board of Supervisors to have an Election Precinct made at Camp Independence?

A.—The request was made of me, as Clerk of the County, and afterwards of the Board itself, by some citizens.

Q.—Was the application refused or granted?

A.—There was no precinct established at that place. The precinct was established at what they supposed a more convenient place—at Union Mills.

Q.—Then there was no precinct established at Camp Independence?

A.—There was not, as they were in doubt about Camp Independence being in Tulare County, and even about Union Mills being in that county.

Q.—Were returns filed in your office purporting to be returns from Oak Creek District?

A.—There were such returns deposited in my office.

Q.—Have you those returns?

A.—I have.

Q.—Will you please present them to the committee?

[Mr. Calhoun presented the returns to the committee.]

Q.—Were those returns opened by the Supervisors, and counted?

A.—They were not.

[Mr. Coffroth asked that the returns be opened and read. They were opened by the Chairman, read by Mr. Coffroth, and marked "Exhibit B."]

Q.—Are you acquainted with W. B. Osborn, J. K. McClannin, Jos. H. Bridges, A. J. Moses, and J. H. Gordon?

A.—I am not, Sir. Believe I know J. H. Gordon by sight, but am not certain. He is Orderly Sergeant of Company I, California Cavalry.

Q.—Are you acquainted with T. M. Heston?

A.—I am.

Q.—Is he a resident of Tulare County?

A.—He is, sir, a resident of Tulare County—of Petersburg, Tulare County.

Q.—Will you please indicate the names of those whom you know to be residents of Tulare County, as I read them from this poll-list?

A.—I know T. M. Heston. I know Obadiah Gant; don't know him to be a citizen of Tulare County; do not think he was in Tulare County thirty days before the last election; might have been at Camp Independence thirty days before the last election. I know J. M. Gordon.

Q.—Was he in Camp Independence thirty days before the third of September last?

A.—I presume he was there as the Company to which he belonged was, by reputation, stationed there that time before. I do not recognize any other names on the poll-list.

Question by Mr. Whipple.—What companies of troops are stationed at Camp Independence?

A.—Companies I, D, and G.

Question by Mr. Coffroth.—Were they Regular soldiers or California Volunteers?

A.—I understand that they were California Volunteers.

CROSS EXAMINATION.

Q.—Will you state whether any application was made to the Board of Supervisors by citizens of Owen's Valley to establish an Election Precinct at Camp Independence?

A.—The applications were made by T. M. Heston, Dr. George, and H. W. Briggs. Dr. George was interested over there in that district, and spends as much of his time in Owen's Valley as in Visalia.

Q.—Did the Board of Supervisors refuse to establish the Election Pre-

cinct at Camp Independence because of the loyalty to the United States Government of the citizens of that precinct?

A.—Well, Sir, they refused to establish a precinct there because they did not believe the district to be in Tulare County. It was a subject of consideration for two or three days by the Board. The subject of the loyalty of the citizens was never mentioned nor referred to, to my knowledge. No question of the kind was raised. Don't consider we have any disloyal citizens out there at all.

Q.—Do you know the distance from Visalia to Camp Independence, and if so, what is it?

A.—I do not, Sir, know the distance. In fact I could not say that I know the distance from "say so;" I could not state it, as I do not know.

Q.—Have you an idea of the location of Camp Independence as laid down on what is supposed to be the United States Surveys, or map accepted as correct?

A.—I cannot say that I have; don't know the distance from Owen's Lake up to Camp Independence, except from information.

ORIGINAL TESTIMONY.

Q.—Will you please examine this map marked "Exhibit A?"

A.—I will.

Q.—Have you ever traced the county line between Tulare and Fresno Counties, which is the northern line of Tulare, and southern line of Fresno, to the summit of the Sierra Nevadas, as defined by the Statutes of the State?

A.—I have, Sir; from the foot-hills to the summit of the mountains on the western slope.

Q.—Examine the map marked "Exhibit A," and state whether the line as described on that map is correct in your judgment so far as you have traced it.

A.—I do not think it is so far as I have traced it.

Q.—Wherein is the map incorrect?

A.—It is incorrect in representing the line between Fresno and Tulare Counties, from the foot hills to the summit of the Sierra Nevadas a direct line. The line is upon a divide and is naturally very tortuous. There has been no line surveyed, as far as I know. That is the Koweia, (dotted by witness.) That is a very broad misrepresentation, (i. e., the river as delineated on the map.) The river does not run in the course indicated on the map at all. The Koweia debouches from the mountains on Range Twenty-seven east, Township Eighteen south. That is here; (dotted by witness.) At some place there the river debouches on to the plain. That point I know from actual survey. There are no surveys above that. The country is all unsurveyed. My opinion is based upon actual observation, walking over the ground.

Q.—Will you state, in your opinion, at what point that line strikes the summit of the mountain, and the difference between your judgment and the point indicated on the map?

[Witness traced with a pen the line between the two counties, from the foot hills to the summit on the western slope.]

A.—The foot hills are represented on the map as very near the right place. That is, as near as I can trace it, the county line. [Where the crosses are made on the map, the tracing was ended.] This map is incorrect in this particular.

Q.—How far north of Visalia does this dividing ridge strike the summit of the mountain?

A.—Well, sir, that's an extremely difficult question to answer. It is almost impossible to stand on a mountain, and tell how far we are looking in such an atmosphere. I would suppose it to be twenty miles north of Visalia; that, I think, to be excessive. It is very probable that fifteen would cover it. It is about as represented there. [Witness makes a ✕ below, as near the place indicated.] The point at the summit where the line crosses the mountain is, on a parallel, twenty miles north of Visalia.

Q.—Do you know the location of Oak Creek?

A.—I do not, only from information. There is a great difference of opinion as to the distance, both among soldiers and citizens.

Q.—From all the lights before the Board of Supervisors, did they suppose Oak Creek to be in Tulare County?

[Question objected to by Counsel for Contestant, and objection sustained.]

Q.—In your opinion, from all the lights you have on the subject, do you think Oak Creek to be in Tulare County?

A.—It is difficult for me to arrive at any conclusion on that subject. It is extremely doubtful whether it is in Tulare County or not. I consider, from the best information I have, that it is in the vicinity where the county line crosses Owen's River. My opinion is that it is not in Tulare County; but it would not surprise me, if a survey was made, that it would be in Tulare County. No man could go and stand on the point where the line crosses the summit, and tell exactly where the county line would cross Owen's River; I would not be willing to swear to it, and I have been a Civil Engineer from my youth.

CROSS EXAMINATION.

Q.—How many volunteers, in the aggregate, were stationed at Camp Independence?

A.—I do not know. Parts of three companies. Do not think either company was full?

Q.—Have men, citizens of that county, been arrested for disloyalty?

A.—Yes, there have been men arrested for disloyalty in that county.

Q.—How many?

A.—But one, so far as I know. There have been five others arrested; three for using insulting language to persons in the service of the United States; the other two were arrested for publications calculated to cause disturbance in the community.

Q.—Are you acquainted with the general reputation of the Board of Supervisors of Tulare County upon the question of loyalty to the Government of the United States?

A.—I think I am.

Q.—Will you state it?

A.—Well, sir, that reputation is looked upon in Tulare County as it is everywhere else, as double-headed. Every Democrat looks upon them as loyal, and every Republican as disloyal.

Q.—At the time that those Election Precincts were asked for, was either of the Supervisors of the County a member of the Republican or Union Democratic party?

A.—There was not. They were all Breckenridge Democrats.

Q.—Have you ever traced the boundary line between Tulare and Mono Counties?

A.—Never; not a foot of it?

Q.—Have you any data whereby you can fix or locate the boundary between Mono and Tulare Counties?

A.—I have, Sir; I have constructed a map of Tulare County from the official United States Surveys on record in the Land Office in Visalia.

Q.—Does that throw the Third Standard south of the United States surveys in Mono or Tulare County?

A.—I am unable to say from memory; if I had my map I could state. The east end of the Standard is certainly in Tulare County; but I can't tell whether where the Standard crosses Owen's River it is in Tulare County or not.

Q.—Have actions been commenced for Russ District in your office?

A.—Yes, sir; I have a suit which has been determined in my office.

Q.—Was that suit in reference to property?

A.—Yes, in reference to a quartz lode.

Q.—Where, in Russ District, was that quartz lode located?

A.—I do not know; nor the name of the lode. I can state such facts as will enable some gentleman to say. (Witness stated facts.)

And further deponent saith not.

E. E. CALHOUN.

Attest: W. S. URMY, Clerk.

TESTIMONY OF H. W. BRIGGS.

Mr. Briggs, presented and sworn, testified as follows:

DIRECT EXAMINATION.

Question.—What is your name, residence, business, and place of business?

Answer.—Henry W. Briggs; residence, Visalia; business, acting as Registrar of United States Land Office; place of business, Visalia, Tulare County, California.

Q.—Have you examined that map (marked "Exhibit A,") as to the localities in Tulare County?

A.—I have examined it.

Q.—State as to the correctness of the boundaries of that map, as to the boundary between Tulare County and Mono County?

A.—I do not think them correct.

Q.—Wherein?

A.—The diagonal line here, which is made a straight line from the western base of the mountains, should not be a straight line commencing at this point (marked "B X," by witness.) It should run, instead of running straight, in a curve, northward and eastward, to the summit of the Sierra Nevadas, to this point, (marked "C," by the witness,) supposed at or near the summit of the Sierra Nevadas, and on or near the line of Townships Thirteen and Fourteen south. It should then run northeast to the State line. (The last point marked "D," by witness.)

Q.—Is the Third Standard south where it crosses Owen's River, in Tulare County?

A.—I think so, undoubtedly.

Q.—Define on that map the location of Oak Creek Precinct, or Camp Independence?

A.—Oak Creek Precinct is about on a line between Sections Four and Eight, in Township Thirteen south; Range Thirty-five east; just about there, (dotted by witness.)

Q.—Are the sections last mentioned in Tulare County?

A.—I think so, undoubtedly; am not positive.

Q.—How far from the Mono line is Camp Independence in Tulare County, in your opinion?

A.—I believe it to be ten miles inside of Tulare County.

Q.—Where is Camp Independence as regards the Third Standard south?

A.—It is about two miles south of it.

Q.—Who is the Registrar of land north of Third Standard south?

A.—Captain Nye, of Stockton.

Q.—In what county are the pre-emptions and declarations filed south of Third Standard south?

A.—They are filed without reference to county lines.

Q.—From your knowledge as Land Registrar, your examination of United States Map, and your examination of map marked "Exhibit A," in what county do you place Camp Independence, or Oak Creek Precinct?

A.—In Tulare County.

Q.—How long have you resided in Tulare County?

A.—Only eighteen months.

Q.—Are you acquainted with the members of the Board of Supervisors of that county?

A.—I am.

Q.—Are you acquainted with their general reputation as regards loyalty to the Government of the United States?

A.—It is a difficult question to answer. They have the reputation, among Union men, of being disloyal, in the sense in which the term is commonly used there; but their own party would call them loyal.

Q.—What do you mean by their own party?

A.—I mean the Secession party.

CROSS EXAMINATION.

Q.—Will you state whether the lands of Tulare County have been surveyed any higher up than the foot hills?

A.—No, Sir. They have not, anywhere in that District.

Q.—Have you ever traced the county line between Tulare and Fresno to the summit of the Sierra Nevada Mountains?

A.—I have not.

Q.—How do you know that the point marked "C" by you on the map is the initial point or summit of the mountain from whence you start in a northeast direction to trace the line between the counties to the State line?

A.—My reasons are that our surveys follow Kings River in a northeast direction to the corners of Sections Nineteen and Twenty-four, and that thence the course of the river is from the northeast; that our surveys

show that the Kowea, as far north as Township Sixteen, in Range Twenty-six, the course of that stream is from the northeast. I then strike a line, medium between the two, as near as may be, supposing them to continue in the same direction according to the commonly received opinion of persons with whom I have conversed who are familiar with the country. Again, in passing the mountains, due east from Visalia, which is in Township Eighteen south, the Kern Rivers are crossed, still considerable streams, and running south. The surveys upon the eastern side of the mountain show Oak Creek, which stream flows southeastwardly, to be in Township Thirteen, in Ranges Thirty-four and Thirty-five. The mountain here unsurveyed is nearly fifty miles across between actual surveys. I place the initial point "C," spoken of, two thirds of the way across from the western base, judging that the waters of Oak Creek, Pine Creek, and other streams of the eastern side of the mountain, must drain the mountain to nearly that distance, or to that point.

Q.—Have you ever surveyed any part of the line described by you, yourself?

A.—No, Sir.

Q.—Have you ever travelled over the ground in the mountain region?

A.—No, Sir.

Q.—Have you ever been in the mountains at all anywhere in the vicinity where those supposed lines exist?

A.—Yes. On the south side of Kings River, but a small distance on the side of the mountains, without any reference, however to tracing the line in question.

Q.—Do you know where the boundary line is between Tulare and Fresno, which is on the north of Tulare and south of Fresno, and how it is described?

A.—I believe it to be as described in the Statutes of the State.

Q.—Have you ever traced the boundary line where it follows a dividing ridge to the summit of the mountain, or were these inferences all based upon calculations from the surveys of others?

A.—My calculations are based mostly upon calculations made from the United States surveys of townships and sections. I believe there has never been an actual survey of the county line.

Q.—Have you ever been at Camp Independence, or Oak Creek?

A.—No, Sir.

Q.—How do you know that Camp Independence is located at the point designated by you on the map?

A.—I know from the fact that the officers locating it notified me *officially* that they had located the camp upon or near lands claimed under pre-emption application, filed by Peter Wilson, which I know to be on Oak Creek, as stated by me.

Q.—How do you know that Peter Wilson's claim is on Oak Creek?

A.—Because it is so described and shown by his declaratory statement on the township plats in my office.

Q.—Do you know of your own knowledge that any of the points designated by you are in the position indicated on the map by you?

A.—I do not know that the points "B," "C," or "D," are precisely as indicated, as I have heretofore stated that I had fixed them by calculations made from the United States Surveys. I do know that the pre-emption claim of Peter Wilson is situated as stated.

Q.—Do the points designated by you on the map depend on the accuracy and correctness of the map?

A.—The point last mentioned depends on the accuracy of the United

States Surveys; and so, partially, with the others; that one is not determined by the accuracy of this map.

Question by Mr. Owen.—According to the plat or plats of townships as laid down in that map, how is the Standard line?

A.—The Standard line in this map I believe to be correct.

Question by Mr. Coffroth.—Are there any other settler's locations in that vicinity other than Peter Wilson's?

A.—Yes, Sir; there were.

Question by Mr. Freeman.—Do you know whether there were any persons living on the locations?

A.—I do not know that there were.

HENRY W. BRIGGS.

Attest: W. S. URMY, Clerk.

TESTIMONY OF DR. GEORGE.

Dr. George, witness, being presented and offered for Contestant, and sworn, testified as follows:

DIRECT EXAMINATION.

Q.—What is your name, residence, and business?

A.—S. G. George; Visalia; Physician.

Q.—You were such before the third of September last?

A.—Yes, Sir.

Q.—Have you ever made application to the Board of Supervisors of Tulare County for an Election Precinct at a place called Camp Independence, or Oak Creek?

A.—I did, Sir.

Q.—Did they grant it?

A.—They did not.

Q.—Why not?

A.—They gave as one reason, that they had doubts about its being in Tulare County. They questioned me to know whether it was the intention for the soldiers there to vote. I informed them that I did not know whether it was the intention for them to vote or not. I made application for two precincts at the same time; one to be at Union Mining Camp, and one at this place. They refused to make the one at this point, on the ground that I have stated. I also applied for two other precincts at the time. Mr. H. G. McLean, the Editor of the Visalia Delta, accompanied me. At the application for the precinct at Owen's River Mill they asked me who I could name there as officers of the election. I named over, I think, three persons; two I distinctly recollect as having named: Mr. George Wheeler, and Mr. Thayer. They asked me whether they were Union or Secession. I told them that I believed them to be Union men. Mr. Nichols, who was one of the Supervisors, told me that they would establish the precinct if I would name two Secession men to one Union man to act as officers of the election. I was not able to say who were Secesh and who were not, and left the matter with them in this way. When I returned on the next day, they informed me that they had appointed the officers. I recollect but one

of the names now, which was a Mr. Lowe, appointed one of the officers of that precinct. The other two precincts which I was requested by the people of Owen's River and Coso to ask for, were, one at Silver Mountain, the other at Granite Springs. I was informed a precinct already existed at Silver Mountain; the other, they, I think, refused; am not certain whether they established it or not. They strove to convince me there was no need of it. I then showed them, from the location of the district, that it would be all of thirty-five miles for some of the residents of the district to come to vote.

Q.—In any conversation as members of Board of Supervisors, did they refuse to order Election Precincts on account of the political character of the voters thereof?

A.—They did not, more than I have stated.

Q.—Are you acquainted with the general reputation of the members of the Board of Supervisors with regard to loyalty to the United States Government?

A.—They are called Secessionists there.

Q.—Have you been doing business in Owen's Valley?

A.—Yes, Sir; I am employed in mining business there, have been since a year ago May last.

Q.—Are you acquainted with the Russ Mining District?

A.—I am, Sir.

Q.—In what county is the Russ Mining District?

A.—I have always considered it in Tulare County. When we found our leads and organized our Joint Stock Company, we recorded them as being in Tulare County, believing them to be so.

Q.—Has there ever been a legal dispute as to whether the Russ District is in Tulare County or not?

A.—Not to my knowledge.

Q.—Do you know where Oak Creek Precinct is?

A.—Yes, Sir.

Q.—Is it in Tulare County?

A.—I could not say positively that it is in Tulare County; but it lies directly west of a district we laid off that we considered in Tulare County.

Q.—By what you know of the geography of the country, and the data you have obtained, in what county, in your opinion, do you place it?

A.—It is my opinion that it is in Tulare County.

Q.—How far is Camp Independence from Union Mills?

A.—It is between twelve and fifteen miles from Union Camp to Camp Independence; I should think it was fifteen miles.

Q.—Are there any settlers in that vicinity?

A.—There were a few when I was there last, which was about the first of June, eighteen hundred and sixty-one.

Q.—Was the population made up of disqualified residents?

A.—At the time I was there there was a party known as Hill's Party; they numbered sixteen or eighteen. They had taken up a body of land of one hundred and sixty acres each.

Q.—By looking at the map, can you state any reasons why you believe Oak Creek to be in Tulare County?

A.—Yes, Sir. Owen's Valley, from the head of Owen's Lake, runs in a northwest direction, and we took into consideration that in running in that direction it threw that portion of the valley towards Mono County in Tulare County. The matter was thoroughly discussed before we formed our companies to work there. I have my doubts about the whole

of Russ District being in Tulare County, as it extends fifty miles up Owen's River, twenty miles wide.

Q.—Was the camp at Camp Independence made up of United States Regulars, or California Volunteers?

A.—The camp was located, as I understand it, by Lieutenant-Colonel George S. Evans, with three companies of the Second California Cavalry.

Q.—How long had those Volunteers been at that post before the third of September?

A.—Cannot say positively; they were there early in the spring. We sent our companies out; they left Los Angeles some time in March, and when they arrived at the foot of Owen's Lake they there met the command conducting the inhabitants out. This is the report of the Superintendent of the Union Mining Company.

Q.—Were those Volunteers at Russ District thirty or more days before the third of September last?

A.—From reputation, they were.

CROSS EXAMINATION.

Q.—In the deliberation in regard to the laying out of the Russ District, did you use any map or surveys to ascertain as to what county it was in?

A.—We had maps of California, some two or three of them. Have forgotten what maps they were; one of them, I think, was Farley's, which, I think, is copied from maps of the State, with the exception of Mining Districts, which Mining Districts are not laid down on the map of California.

Q.—Do you know whether the county line between Tulare and Mono Counties has been actually surveyed?

A.—Not to my knowledge.

Q.—Did you ever undertake to trace that line up the western slope of the Sierra Nevadas, to ascertain from what point at the summit it would start in a northeast direction to the State line?

A.—I never did any further than to look over the lines laid down on the map. It is a very rugged line to start over the mountains from Owen's Valley, and almost impossible to find.

Q.—Did or did not the parties who established the Russ District desire it to be in Tulare County?

A.—I cannot say there was any desire to have it in one county more than another. We desired to locate our claims, and have them recorded in the proper county. I only speak for myself in this matter. The desires were the certainty of having their claims recorded in the proper county.

Q.—Was there nothing said in the course of that consultation, by the parties, which indicated the desire that that District should be in Tulare County as a matter of convenience to the claim holders?

[Objected to by Mr. Coffroth, and question withdrawn.]

Q.—Do you know whether there was any precinct election held at Granite Springs, in Tulare County, on the third of September last?

A.—I do not know whether there was or not.

Q.—Where were you at the time of the election?

A.—In the City of San Francisco.

Q.—If the precinct were at Granite Springs, would the citizens have been compelled to travel thirty-five or forty miles to vote?

A.—They would have had to have travelled twenty or twenty-five miles.

Q.—Was not Granite Springs the most convenient place for an Election Precinct in that mining region?

A.—For one section of the mines it was.

Q.—Do you know whether any number of persons living in Tulare County, in that section, failed to vote on account of the distance to the precinct?

A.—I do not know.

DIRECT EXAMINATION.

Q.—Do you not consider the Union Mills, or Union Camp, as a convenient place for a precinct for the voters of Owen's Valley and Tulare County?

A.—I consider it a convenient place for persons living on the east side of the river; the most convenient that is on the east side of Owen's River.

Q.—How far is it, in your opinion, from Union Mills to Camp Independence, on Oak Creek?

A.—It is in the neighborhood of fifteen miles. You go northwest from Union Camp to go to Oak Creek. Directly north of the Camp. I should think it was not more than seven miles.

Q.—Are companies I, D, and G, mounted companies, or companies of infantry?

A.—They are cavalry companies.

CROSS EXAMINATION.

Q.—Is Oak Creek north or south of Owen's River?

A.—It is east of Owen's River.

Q.—Where is Union Camp?

A.—It is on the east side of Owen's River.

Q.—What is the direction of Oak Creek from Union Camp?

A.—Oak Creek is about fifteen miles in a northwest direction from Union Camp.

[Signed :]

S. G. GEORGE.

A true copy.

Attest: W. S. URMY, Clerk.

FURTHER TESTIMONY OF E. E. CALHOUN.

Mr. E. E. Calhoun, being again presented, testified as follows:

DIRECT EXAMINATION.

Question.—Are you Clerk of the Board of Supervisors of Tulare County?

Answer.—I am, Sir.

Q.—Was there not an Election Precinct established by the Board called the Granite Spring Precinct?

A.—There was.

Q.—Were any election returns filed in your office from that precinct, and the vote counted by the Board?

A.—There were returns filed, opened, and counted by the Board.

Q.—Have you any new information in regard to a suit spoken of by you in a former examination, in reference to property located in Russ District?

A.—I am informed by Dr. George that the lead in that contest is in the Coso District. I had supposed that it was in the Russ District. There is nothing in the record to tell where the property lies, as stated by Dr. George.

[A map was presented in evidence by Mr. Freeman, and marked "Exhibit D."]

Q.—Will you examine this map marked "D," and state whether it is a correct representation of the boundaries between Tulare and Fresno, and Tulare and Mono; and, if not correct, state wherein it is incorrect, and trace the lines according to your judgment?

A.—I have examined it, and I do not think that the line on the map is correct between Tulare and Fresno.

[Witness traces the line between the two last mentioned counties, which line commences at a point marked "A," and terminates at a point marked "B."]

That is the line, as near as I can trace it; which line is on the western slope, from foot hills to the summit. I have followed the line thus far, from "A" to "B."

[Witness also traced on the map the course of the Kowea, and the principal branches of it, marked "Kowea."]

The course of the Kowea, as represented on the map, is incorrect.

Q.—Is the line, as traced by you on the map from "A" to "B," believed by you to be the true line between the Counties of Tulare and Fresno, as defined by the Statutes of the State?

[Question objected to, and objection sustained.]

Q.—Does the line, traced by you from "A" to "B," represent the dividing ridge between the Kowea and Kings River, from the foot hills to the summit of the Sierra Nevadas?

A.—It does, Sir, as near as I can trace it on the map.

Q.—What length of time were you engaged in tracing that line?

A.—Well, Sir, in tracing that line I was between twenty and twenty-five days, in tracing it to the summit, before I started down from the mountains.

Q.—In what direction from the summit of the mountain does the boundary line between Tulare and Mono run?

A.—I believe the statutes define it as a northeast direction from the summit.

Q.—Will you trace the line from the initial point, "B," in a northeast direction to the State line, and state where it crosses Owen's River?

[Witness traces the line from "B," and marks the termination "C."]

A.—It crosses Owen's River in Township Thirteen south, Range Thirty-five east, Mount Diablo base of meridian—about four miles south of the Third Standard line.

Q.—Examine the map, and state how far north of Owen's Lake this line between Mono and Tulare crosses Owen's River?

A.—Well, Sir, in a direct line from the head of the lake, as represented on this map, I should say about twenty miles north of the lake.

CROSS EXAMINATION.

Q.—Did you know, when passing along the county line to the summit of the mountains, anything about the relative location of Oak Creek and Camp Independence?

A.—I did not, Sir.

Q.—Do you know anything positive about the position of Oak Creek Precinct, relative to the point you fix as the summit of the Sierras?

A.—No, Sir; I do not.

Q.—Do you know where Camp Independence is?

A.—I do not.

Q.—Can you state whether it is north or south of the Third Standard?

A.—I cannot.

Q.—What is the number of the Township and Meridian Range where the boundary crosses Owen's River between Mono and Tulare?

A.—Township Thirteen south, Range Thirty-five east; Mount Diablo base of meridian.

Q.—Is Granite Springs north or south of Union Mills?

A.—It is southeast, Sir.

Q.—If Oak Creek be fifteen miles from Union Mills, how far would Granite Springs be from Oak Creek?

A.—Well, Sir, it would be just fifteen miles further than it is from Union Mills.

Q.—How do you fix accurately stand-point "B," on the map, at the summit?

A.—I do not profess to fix that point exactly correct.

Q.—Might it not vary five or ten miles north or south?

A.—It might, Sir.

RE-DIRECT EXAMINATION.

Q.—Do you believe that the initial point, marked by you "B" on the map, is as far north as a line when surveyed would strike the summit of the mountain?

A.—My opinion is that the initial point "B," as marked on the map, is as near correct as it is possible for me to ascertain from having examined the line.

CROSS EXAMINATION.

Q.—When you examined this line, did you examine it with instruments?

A.—No, Sir; I did not.

Q.—Did you have a level or a theodolite with you, and make examinations with them?

A.—I had no instruments whatever; no surveying instruments of any kind.

Q.—Then, your examination was by walking over it, or tracing it with the naked eye?

A.—Yes, Sir—with the naked eye.

CROSS EXAMINATION BY THE CHAIRMAN.

Q.—In fixing the initial points "A" and "B," in the map marked "Exhibit D," do you determine those points with reference to the township and meridian lines as traced on the map?

A.—The point "A" I do; the other point I do not.

Q.—How do you determine the point "B?"

A.—By having observed the direction from Visalia to the summit of the divide composing the county line between Tulare and Fresno. I have frequently made that observation from Visalia, the summit being a naked point, and plain to be seen with the naked eye.

Q.—Are there any points or places on this map where township and meridian lines cross, whereby you can determine the correctness of those lines as laid down on the map?

A.—The Town of Visalia, as located upon this map, is represented correctly, and is in accordance with the United States Survey.

[Signed:]

E. E. CALHOUN.

A true copy.

Attest: W. S. URMY, Clerk.

TESTIMONY OF T. M. HESTON.

T. M. Heston, being presented and sworn, testified as follows:

DIRECT EXAMINATION.

Question—What is your name, business, place of business, and residence?

Answer—T. M. Heston; Mail and Express Contractor; residence, Visalia, Tulare County.

Q.—How long have you been a resident of Tulare County?

A.—From March, eighteen hundred and fifty-five.

Q.—Have you ever held an office in that county?

A.—I represented the Counties of Tulare and Fresno in the Assembly of California, in eighteen hundred and sixty.

Q.—Where were you at the last general election? In what place, and in what county?

A.—I was at Oak Creek, Tulare County.

Q.—Did you vote at that place?

A.—Yes, Sir.

Q.—Did you vote for Assemblyman?

A.—Yes, Sir.

Q.—Whom did you vote for, for Assemblyman?

A.—I voted for Nathan Baker.

Q.—Did you carry the returns of that election to Visalia, the county seat.

A.—Yes, Sir.

Q.—Are these the returns?

[Counsel for Contestant handing the returns to witness.]

A.—This is the envelope in which they were inclosed, and I presume these are the returns. I received them sealed up, and returned them to the County Clerk.

Q.—Did they undergo any alteration, obliteration, or change, while they were in your possession?

A.—None whatever.

Q.—What was the name of the party who placed them in your hands?

A.—William Osborn.

Q.—What was he?

A.—Inspector of the Election.

Q.—Did you know his business or profession?

A.—Only so far as I could judge from his conversation.

Q.—What was it?

A.—He said he was practicing medicine, and prospecting in the mines.

Q.—Was he a resident of Tulare County thirty days before election?

A.—He told me that he had been, and expected to remain a week or two longer.

Q.—Were you present at the election in that precinct?

A.—Yes, Sir; I voted there.

Q.—How long were you present?

A.—I was there from seven o'clock in the morning till nine o'clock at night, during intervals, through the day. I was not there all the time; was there back and forth.

Q.—Did you see residents of that county vote at that election? And if so, how many?

A.—Yes, Sir; I did. I suppose eighteen or twenty, that I recollect of.

Q.—Were those eighteen or twenty you saw voting, citizens of the United States, six months residents of the State of California, and thirty days residents of the County of Tulare?

A.—Yes, Sir.

Q.—How was the voting done?

A.—As I have always seen it done throughout California—by ballot.

Q.—Were those eighteen or twenty you saw voting, volunteers belonging to companies stationed there, or citizens of that county other than volunteers?

A.—They were citizens of that county, judging from the conversation I had with them; they were not in the service of the United States, and never had been.

Q.—How were they dressed—as civilians or soldiers?

A.—As civilians.

Q.—Did you see soldiers there in uniform?

A.—Yes, Sir; I did.

Q.—How many were at that post?

A.—Two hundred and twenty-five, according to the best information I could obtain.

Q.—Do I understand you that you actually saw those eighteen or twenty vote there?

A.—Yes, Sir; I did.

Q.—How was that election conducted?

A.—Conducted very fairly, I believe, as far as I could see.

Q.—Was the Inspector, the Judges, and the Clerks sworn?

A.—Yes, Sir.

Q.—Did you see them sworn?

A.—Yes, Sir; I saw them sworn.

Q.—Did you know the Judges?

A.—No, Sir; I did not know them. They were all strangers to me, I believe.

Q.—Were they in soldiers' or citizens' dress?

A.—They were in citizens' dress, as nearly as I can recollect.

Q.—Were you the representative of any political party at that precinct?

A.—I was electioneering a little for Colonel J. D. Stevenson for Superintendent of Public Instruction, and for Nathan Baker for Assemblyman.

Q.—Was any compulsion used to bring voters to the polls?

A.—No, Sir; I did not see any at all, Sir.

Q.—Are you well acquainted with the country known as Owen's Valley?

A.—As well as any person would be after visiting the country once. I had been there a day or two, passing through the valley.

Q.—Are you acquainted with the territory belonging to Tulare County?

A.—Yes, Sir.

Q.—In what county was the Election Precinct at Oak Creek?

A.—In Tulare County, as near as I can ascertain.

Q.—What mode had you for ascertaining the geography?

A.—I had the opinion of various ones there in regard to it. Every one there spoke of it as being in Tulare County. There were papers sent in by me, to be recorded in Tulare County, from that place.

Q.—Did you know in what county licenses, or other official State or county charges, are paid for these?

A.—The licenses have been issued from Tulare County.

Q.—Did you know in what county claims in that vicinity were recorded?

A.—Only from hearsay; from those who had locations there made in Tulare County. I had had conversations with Wilson Brothers, who had previously lived on Oak Creek.

Q.—Do you know where Union Mills are?

A.—Yes, Sir.

Q.—How far from Union Mills is Oak Creek?

A.—About fifteen miles.

Q.—Will you describe the road or country from Oak Creek to Union Mills?

A.—If you follow the road, it is a sandy road, principally, crossing some streams running from the mountains down to Owen's River, until you get to Owen's River, opposite to Union Mills; there you pass some overflowed bottom till you get to the river, where you get into a ferry boat and cross to the mills.

Q.—Are there any settlers or residents at Oak Creek Precinct, other than the United States camp; and, if so, how many?

A.—There are settlers there. I do not know how many there are right in the vicinity of the camp.

Q.—What are they engaged in?

A.—Engaged in ranching, cutting hay, and raising hogs.

Q.—Can you approximate to the number?

A.—I cannot.

Q.—Are you acquainted with the members of the Board of Supervisors of Tulare County?

A.—Yes, Sir.

Q.—Are you acquainted with their general reputation as regards their loyalty to the Government of the United States?

A.—Yes, Sir.

Q.—What is it?

A.—They are considered disloyal.

Question by the Chairman—Were these settlers that you have spoken of as being on Oak Creek there at the last election?

A.—Yes, Sir.

Question by Mr. Wilcox—Did you, when you were there, at any time, see any one who came up to vote refused the right to vote?

A.—No, Sir.

Q.—What kinds of ballots were used?

A.—Written ballots, and, I think, some printed.

Q.—Was any compulsion used to make parties coming there to vote vote an open ticket?

A.—No, Sir.

Question by Mr. Lux—Was there any challenging done?

A.—I did not see any; I was not there all the time; there might have been.

RE-DIRECT EXAMINATION.

Q.—Were any licenses issued to persons living at Oak Creek, or above Union Mills?

A.—To a store just above Union Mills, right at Union Mills; no other stores in the vicinity; no other stores on Oak Creek.

[Signed:]

THOMAS M. HESTON.

A true copy.

Attest: W. S. URMY, Clerk.

TESTIMONY OF LIEUTENANT F. A. PEEL.

Lieutenant F. A. Peel, being presented for Contestant, and sworn, testified as follows:

DIRECT EXAMINATION.

Question—What is your name?

Answer—F. A. Peel.

Q.—Where were you at the last general election?

A.—I was at Oak Creek, Owen's River Valley.

Q.—Did you see voting done there?

A.—I did.

Q.—State the manner in which the votes were put into the box.

A.—In the regular form prescribed by the Statutes of the State—folded up, and put in a box properly fastened.

Q.—Was there any coercion used, one way or the other, to compel voters to vote in a particular way?

A.—None whatever, Sir.

Q.—Was there any compulsion used to make voters vote an open ticket?

A.—None whatever, Sir.

Q.—Did you see parties voting there?

A.—I did.

Q.—Did you see of what class—citizens, or soldiers?

A.—Of both classes.

Q.—About how many citizens did you see vote or know of voting there?

A.—From twelve to fifteen or sixteen, to the best of my knowledge and belief. There may have been more; will not be positive.

Q.—Were you at the polls the entire day?

A.—No; I was not. I was there off and on. I sent some of the citizens there to vote.

Q.—During the time you were absent, do you know of citizens voting besides the number you have named?

A.—There may have some voted, but I could not say positively about that.

Q.—How many citizens, to the best of your knowledge, live at Oak Creek Precinct and vicinity?

A.—About thirty.

Q.—How long had you been there before the election?

A.—I arrived there on the fourth of July.

Q.—Were there about thirty citizens living there thirty days before the election?

A.—I think there were more about the first of August than afterwards. They came flocking in about the first of August.

Q.—Do you know in what county Oak Creek is?

A.—It is supposed to be in Tulare County.

[*Explanation.*—Before the precinct was established there, we made inquiry of the citizens residing there, and they assured us that it was in Tulare County. They had been living there, off and on, for years.]

CROSS EXAMINATION.

Q.—Did you vote on the day of election?

A.—I did, Sir.

Q.—What was your occupation at that time?

A.—I was a soldier.

Q.—What is the distance from Oak Creek to Union Mills?

A.—About fifteen or sixteen miles.

Q.—At the time of the election, were there thirty citizens who lived nearer Oak Creek than Union Mills?

A.—I think there were. Down at Putnam's Store most of them lived—about two and a half miles from Camp Independence, or Oak Creek.

Q.—Will you name those citizens that you state voted?

A.—It will be a hard matter for me to do so. There was a man by the name of J. G. Stark, Paul Haller, one known by the cognomen of "Yank;" then there were two who were natives of this State—have forgotten their names. They were natives of the country, not Indians. That lets the recollection of names out. Remember Heston and W. B. Osborn.

Q.—Were any of those you named employed in the Government service at that time?

A.—One of them was employed as Citizen Physician—Dr. Osborn.

Q.—Was he a resident of that vicinity?

A.—He had been there as long as I had—from the fourth of July.

Q.—Did he accompany the command when they were stationed there?

A.—Yes, Sir.

Q.—Where did he join the command?

A.—Ten miles beyond Los Angeles.

Q.—How long did he remain there after the election?

A.—I think it was the sixteenth or nineteenth day of September when he received his discharge.

Q.—Was Mr. J. G. Stark an employé of the Government?

A.—He was in no way connected with it.

Q.—Did he not have a contract to furnish beef there?

A.—I bought the beef of him; yes, Sir.

Q.—Did he not bring his beef there from Los Angeles County?

A.—He brought it from Fort Tejon. He had cattle in Owen's Valley during the previous summer, and the balance of the stock he did not take with him he brought over for sale.

Q.—Did not Mr. Stark object to voting, on the ground that he was a citizen of Los Angeles County?

A.—Not to my knowledge; haven't the faintest recollection of his objection.

Q.—Will you examine the election certificate, and state whether you know the persons who sign it as Judges, Inspectors, and Clerks?

A.—Recollect Osborn, Moses, J. H. Gordon, and Bridges.

Q.—Were, or were they not, in the service of the Government?

A.—Dr. Osborn was the Citizen Physician of the command. The other three are soldiers.

Q.—You don't know whether McClannin was a citizen or not?

A.—Don't recollect the name or individual.

Q.—Were the soldiers of that command dressed in uniform at that time, or in citizens' clothing?

A.—Most all of them had part of a uniform on; some might have been in citizens' dress.

Q.—What company are you attached to?

A.—Company D, Sir.

Q.—Are you personally acquainted with the members of Companies I and G.

A.—I am with those of Company I and Company D, and some of Company G, by sight.

Q.—What companies were stationed there at the time of this election?

A.—D, I, and G.

Q.—Are the names of those mentioned as citizens, all that you can designate as having voted on the day of election?

A.—By name; yes, Sir.

Q.—Did or did not many of the citizens, who resided in Oak Creek, go to Union Mills the day of the election to vote?

A.—I have no knowledge of it, Sir.

RE-DIRECT EXAMINATION.

Q.—Where were you enlisted?

A.—At Oroville, Butte County.

Q.—In what place did you claim your residence as a citizen of California on the third day of September last?

A.—Camp Independence, Oak Creek, Owen's River Valley.

Q.—Had you been in that precinct thirty days before the election?

A.—I had, Sir.

Q.—Did other citizens vote than those you have named?

A.—There were.

Q.—How many, or approximate to it?

A.—There may have been six, or there may have been twelve.

CROSS EXAMINATION.

Q.—Were Companies I, D, or G, or any one of them, organized in Tulare County?

A.—I know they were not. Some members of Company I were of Tulare County. Obadiah Gant was one, the only one I recollect of; there may have been more, but I don't know.

Q.—Did Obadiah Gant, or any other member of Company I, enlist in Tulare County?

A.—That is something that I know nothing about.

RE-DIRECT EXAMINATION.

Q.—Have there been any recruits, in those companies you know anything about, enlisted in Tulare County?

A.—Not that I know of.

[Signed:]

F. A. PEEL.

Attest: W. S. URMY, Clerk.

TESTIMONY OF J. H. GORDON.

J. H. Gordon, witness, being presented and sworn, testified as follows:

DIRECT EXAMINATION.

Question.—Will you state your name, occupation, and where you were stationed on the third day of last September?

Answer.—My name is J. H. Gordon; am a soldier; was stationed at Camp Independence, Owen's River Valley, on the day named.

Q.—Will you examine this poll-list, marked "Exhibit B," and state whether you know the parties whose names are appended as Inspectors, Judges, and Clerks, and what their occupations were?

A.—I have examined the list; I know four of the men, Moses, Osborn, Bridges, and Gordon. Moses, Bridges and Gordon, are soldiers. Osborn is a Citizen Physician temporarily attached to the command.

Q.—Did Osborn accompany the command from Los Angeles to Camp Independence in capacity of Surgeon?

A.—He did.

Q.—As Surgeon of the command, was Osborn governed by the rules and regulations of the service?

A.—All civilians accompanying soldiers are so governed.

Q.—Did you vote at that election?

A.—I did.

Q.—Were you not an officer of the election?

A.—I was Clerk.

Q.—Were you acquainted generally with the citizens who resided in the vicinity of Camp Independence?

A.—Very little acquainted.

Q.—Was your acquaintance with the soldiers and with the citizens of the vicinity of Camp Independence sufficient to enable you, sitting as an

officer of the election, to distinguish between the citizens and soldiers who voted?

A.—Not in all cases.

Q.—Were any of the soldiers in citizens' dress?

A.—A good many of them.

Q.—To what company do you belong, and what is your position in that company?

A.—I am a Sergeant, and belong to company I.

Q.—Are you personally acquainted with the members of company I?

A.—I am.

Q.—Are you acquainted with the members of company D?

A.—With the most of them.

Q.—Are you acquainted with the members of company G?

A.—Very little.

Q.—Are you acquainted with the citizens who voted at that election?

A.—I am acquainted with four or five of them.

Q.—Will you name them?

A.—Mr. Osborn, Mr. Haller, (I think is one,) Mr. Stark. I don't at present recollect the names of any others.

Q.—Was the Mr. Osborn you named the Resident Physician?

A.—He was the Detachment Physician.

Q.—Was the Mr. Stark you have named connected with the service in any way?

A.—Not that I know of, except that he had a contract to furnish beef for the command. That is not considered as being connected.

Q.—What was the occupation of Mr. Haller?

A.—Servant of Captain McLaughlin, I think?

Q.—What company?

A.—Company D.

Q.—Were there many citizens at Oak Creek on the day of election?

A.—I cannot say. I was under ground where we held our election, and did not go out only to get a drink—a drink of water.

Q.—In what sort of a place was the election held?

A.—In an excavation under the ground, formerly used as a dwelling. It was done to protect himself from the Indians about there.

Q.—About what number of citizens, altogether, voted there on that day, according to the best of your knowledge?

A.—I knew of but four or five.

Q.—Will you examine this poll list (marked "Exhibit B") of names, and state all who are personally known to you to be in the service of the United States Government as soldiers?

A.—Snyder, Peel, Jones, Livergood, Goodman, Moses, O'Neal, Bridges, Marple, Dean, Porter, Gant, Gordon, Rowley, Sale, Powell, Edwards, Bracey, Graham, O'Keefe, Huntington, Foley, Hickey, Angelo, Lanigan, Bownes, Boggs, Lovejoy, French, McLaughlin, Middaugh, Schwab, Hirschburger, Barrett, Hall, Roley, Logue, Judd, Knight, Sullivan, McTarnahan, J. H. Blakesley, G. H. Blakesley, Doughty, Van Tassel, Napper, Smith, McAllister, Spencer, Bowles, Gibbs, Eddy, Kilpatrick, Vogel, Unger. I will state here in explanation, that I know there were men of the names mentioned as belonging to the soldiers.

Q.—Are there not others on the list who are known to you to be soldiers of other companies?

A.—I mentioned all I was certain of when I looked over the roll.

Q.—Did you see the persons whose names you have mentioned vote on the day of election.

A.—Yes, Sir. I saw persons vote of the names mentioned at that election.

Q.—Was anything said to the citizens in the vicinity of Oak Creek, on or before the day of election, as to how they were to vote?

A.—I heard no conversation, that I recollect about, to that effect?

Q.—Was it not generally spoken of throughout that valley that no citizen would be allowed to vote the anti-coercion ticket?

A.—I heard no conversation to that effect.

Q.—Is there any discrepancy between the number of votes polled and the number cast for Nathan Baker?

A.—There is a discrepancy of five.

Q.—Is there anything within your knowledge by which you can determine whether those who did not vote for Assemblyman were soldiers or citizens?

A.—Nothing.

Q.—Did you hear anything said to any citizen, any inducements or persuasions offered to him, why he should vote the Union ticket?

A.—I did. Jesse Stark came into the place where the polls were held, and I asked him if he was going to vote. He said he was not; he did not belong to that county. I told him that he had been in the county over thirty days, and was entitled to a vote at that precinct. He seemed reluctant still to vote. Several of us talked to him, and convinced him that he was entitled to a vote. He then voted. I would state that I remarked to Stark—"You are a hell of a man; don't want to vote to sustain the laws and Constitution of the United States, and getting rich off the Government. We'll sell you out of this business, and buy beef from some man that will vote."

Q.—Was anything said to him about killing his cattle off if he did not vote?

A.—Yes, Sir; but it was all said in a jocular way. I do not believe that Jesse Stark had any apprehension of losing his cattle if he did not vote.

Q.—Were either of the companies stationed at Camp Independence on the day of the election organized in Tulare County?

A.—They were not.

Q.—Do you know where Obadiah Gant enlisted?

A.—I do. At Camp Alert, near San Francisco.

Q.—Are there any additional soldiers' names than those you have mentioned as knowing, on the poll list, that you can now mention?

A.—Willetts, Hale, Lober.

Question by Mr. Irwin.—Was there any one of the soldiers of the companies you have mentioned as being at Camp Independence, who volunteered from Tulare County?

A.—There was not—that is, in the names I have mentioned. Obadiah Gant had been a resident of Tulare County previous to his enlisting in the service. I think some two years; that is, two years had elapsed since he had been a citizen.

CROSS EXAMINATION.

Q.—Was Doctor Osborn regularly mustered into the service of the United States?

A.—He was not.

Q.—Did the soldiers whom you state you saw in citizens' dress vote at that election?

A.—Some of them, I think, did.

Q.—How many?

A.—I cannot tell.

Q.—Have you named them in the number you have given as soldiers voting?

A.—I may have done so.

Q. You name Osborn, Haller, and Stark, as the citizens you recollect as voting; how many more?

A.—I now recollect Tom Heston; none others that I now recollect.

Q.—Was Haller enlisted in the service of the United States?

A.—He was not?

Q.—Were you at the polls the whole day?

A.—All excepting one hour, while at dinner.

Q.—You state that you know of four or five citizens that voted; might there not have been more, and you not know it?

A.—It is possible.

Q.—Are you certain that the soldiers you selected from the poll list were not, previous to their enlistment and muster into the service of the United States, citizens of Tulare County?

A.—I am not certain.

Q.—Where was Gant the two years before he was mustered into the service?

A.—At Cold Springs, Diamond Springs, and Placerville, El Dorado County.

Q.—What do you mean by the anti-coercion ticket?

A.—The ticket opposed to the Administration and prosecution of the war.

Q.—Was there any person refused a vote there on account of his political principles?

A.—There was not?

Q.—Was any force used to compel voters to vote a particular ticket?

A.—There was not.

Q.—Were voters compelled to vote an open ticket?

A.—They were not.

Q.—How were the tickets received?

A.—Mostly folded.

Q.—Was there any effort made by the officers to open a ticket when a voter offered it?

A.—There were no tickets opened.

Q.—What do you mean by a discrepancy of five?

A.—There were an hundred votes polled, five of which did not contain Nathan Baker's name.

Q.—Did they contain any other name for Assemblyman, or were they in blank?

A.—They did not contain any other name for Assemblyman.

Q.—Was any compulsion or force used to make Mr. Stark vote a particular way?

A.—There was not.

Q.—Was all the effort made to him to induce him simply to vote?

A.—It was.

Q.—Was what you detail, in the conversation with Stark, in fun, joke, or earnestness?

A.—In joke.

Q.—Is this Lober you named the Lorber on the poll list?

A.—I think it is meant for that.

Q.—How was the election conducted—fairly, or unfairly?

A.—Fairly, as I understand it.

Q.—Were the officers sworn?

A.—They were.

Q.—Where was your residence on the third of September?

A.—I was residing at Camp Independence, Oak Creek.

Q.—How long had you been there?

A.—Two months.

Q.—Where did you consider your home?

A.—Have not had any since I have been in the State of California.

Q.—Were you Mr. Thom's Deputy to subpoena witnesses?

A.—I was his Deputy to subpoena L. Tuttle.

Q.—Did you do so?

A.—I did.

Q.—What answer did he make to the subpoena?

A.—That he did not wish to come.

Q.—Will you state his whole answer?

[Question objected to by Respondent, and the Chairman decided it to be improper; the committee sustaining him in his decision.]

RE-DIRECT EXAMINATION BY RESPONDENT.

Q.—Were there any resident citizens in the vicinity of Oak Creek when the command went there? or, had they not all been run out by the Indians?

A.—There were not, to my knowledge.

Q.—How many citizens were there resident nearer Oak Creek, on the third of September, than to Union Mills?

A.—Can't answer positively.

Q.—Well, about the number?

A.—I think there were about fifteen.

Q.—Were there any of those citizens, whose names you do not recognize on this poll list, with whom you are acquainted?

A.—There was one that I now recollect—Mr. Boice. He was then at Oak Creek; also, another one—Mr. Putnam.

Q.—You stated that there might have been more than four or five citizens vote, and you not know it; had there been any greater number, would or would not your attention have been called to it from your acquaintance with the soldiers and the citizens of that vicinity?

A.—I can't answer that question unless I am allowed an explanation. There might, or might not. There were several soldiers belonging to Company G, whom I did not know personally, dressed in citizens' clothes. Those soldiers might have come and voted, and I supposed them to be citizens. Again, citizens might have come and voted, and I supposed them to be soldiers of Company G. There was no mark about many of the soldiers by which I could distinguish them as such.

Q.—Do you know where Companies I, G, and D, were organized?

A.—I know where Company I was organized. Believe that Company D was organized at Oroville. Do not know where Company G was organized. Company I was organized at Placerville, El Dorado County.

Q.—What county is Oroville in?

A.—Butte County.

Q.—Where was Company G stationed before its march to Camp Independence?

A.—The last place was Camp Latham, near Los Angeles, in Los Angeles County.

Q.—How many soldiers were stationed at Camp Independence on the third of September?

A.—About two hundred and twenty.

Q.—Can you assign any reason why all the soldiers did not vote?

[Question objected to by Counsel for Contestant, and objection sustained.]

Q.—You state that you were residing at Camp Independence on the third of September. In what capacity did you go there, and for what purpose?

A.—In the capacity of a soldier; to kill Indians.

Q.—Where did you enlist in the service?

A.—At Camp Alert, San Francisco County.

Q.—Had you ever been to Camp Independence prior to the time you went there as a soldier?

A.—I had not.

Q.—What is the distance from Visalia to Oak Creek, or Camp Independence?

A.—By the usually travelled route, two hundred and fifty miles.

CROSS EXAMINATION.

Q.—What is the distance, by meridian, from Visalia to Oak Creek?

A.—I think about ninety miles.

Q.—Of the fifty-eight persons you named as soldiers, on the poll list, how many do you know were not citizens of Tulare County before their enlistment, or at the time of their enlistment?

A.—It would require me to look over the list again, to answer that question properly: Livergood, Moses, Marple, Dean, Gant, Gordon, Rowley, Edwards, O'Keefe, Hall, Knight, McFarnahan, Van Tassel, McAllister, Kilpatrick (15.)

Question by Mr. Irwin.—Were any of the balance of the men whose names you have mentioned enlisted in Tulare County?

A.—Not that I know of. I think not.

J. H. GORDON.

Attest: W. S. URMY, Clerk.

ADMISSIONS OF CONTESTANT

In the matter of the contest of Nathan Baker vs. J. W. Freeman, before the Assembly of California.

Contestant hereby admits:

First—That the three Supervisors of Tulare County, holding office and acting as such before the third day of September, A. D. eighteen hundred and sixty-two, if they were present before the Committee on Elections, each and every one would testify under oath that they were loyal citi-

zens, true to the Constitution and laws of the United States, and to the Constitution and laws of the State of California.

Second—That if — Mayhew were present, he would testify under oath that he was Assessor of Mono County, and that he assessed property in the Russ District, south of Oak Creek Precinct, as property in Mono County.

J. W. COFFROTH,
Attorney for Contestant.

Further Admission of Contestant in case of Baker vs. Freeman

Contestant admits that :

If the Board of Supervisors of Tulare County were present, and were sworn, they would state that in their opinion they considered Oak Creek Precinct was not in Tulare County.

J. W. COFFROTH,
Counsel for Contestant.

FEBRUARY, 18th, 1863.

NAMES ON THE MUSTER ROLL

Of Company "D," Second California Cavalry, from the thirtieth of June, eighteen hundred and sixty-two, to the thirty-first of August, eighteen hundred and sixty-two :

No.	Names.	Rank.
1	Moses A. McLaughlin.....	Captain.....
1	George D. French.....	First Lieutenant.....
1	Thomas Barker.....	Second Lieutenant.....
1	Hugh McWhinney.....	First Sergeant.....
1	Charles T. Jones.....	Quartermaster-Sergeant.....
1	George G. Brannan.....	Sergeant.....
2	James Wilson.....	Sergeant.....
3	James B. Lanigan.....	Sergeant.....
4	John McWhinney.....	Sergeant.....
1	Daniel McLaughlin.....	Corporal.....
2	Dick Turpin.....	Corporal.....
3	Peter W. Kelly.....	Corporal.....
4	John S. Daly.....	Corporal.....
5	John S. Thompson.....	Corporal.....
7	Edward C. Carr.....	Corporal.....
8	Frank Norman.....	Corporal.....
1	Henry Beckow.....	Farrier.....
2	Amer Crannell.....	Farrier.....
1	John Eddy.....	Bugler.....
2	Henry Wilson.....	Bugler.....
1	William H. Coats.....	Saddler.....

No.	Names.	Rank.
1	Arthur, William.....	Private.....
2	Ball, John S.....	Private.....
3	Baskin, John C.....	Private.....
4	Bracken, Michael.....	Private.....
5	Brewer, Hiram.....	Private.....
6	Bronk, Andrew G.....	Private.....
7	Conly, James.....	Private.....
8	Church, Alvah W.....	Private.....
9	Desty, Samuel H.....	Private.....
10	Dixon, George W.....	Private.....
11	Dixon, William H.....	Private.....
12	Duncan, McCune H.....	Private.....
13	Duncan, Robert.....	Private.....
14	Dunavan, Martin V.....	Private.....
15	Dankert, Michael.....	Private.....
16	Eaton, John.....	Private.....
17	Field, George A.....	Private.....
18	Fisher, John L.....	Private.....
19	Foley, Edward.....	Private.....
20	Garrison, Joseph G.....	Private.....
21	George, Franklin A.....	Private.....
22	Getchell, George.....	Private.....
23	Goard, Archy R.....	Private.....
24	Hale, Enoch K.....	Private.....
25	Hess, Solomon H.....	Private.....
26	Hickey, William.....	Private.....
27	Holcomb, Randolph S.....	Private.....
28	Hostetter, William S.....	Private.....
29	Hughes, John.....	Private.....
30	Jenkins, William.....	Private.....
31	Knepper, Hugh.....	Private.....
32	Knepper, Jesse.....	Private.....
33	Loder, Richard B.....	Private.....
34	Lorber, Joseph.....	Private.....
35	Lynch, Michael.....	Private.....
36	Leo, Michael.....	Private.....
37	Lanigan, John.....	Private.....
38	Maddy, Andrew I.....	Private.....
39	Martin, John.....	Private.....
40	Mason, John J.....	Private.....
41	Millett, Densmore.....	Private.....
42	Morey, Cyrus.....	Private.....
43	Morgan, Evan.....	Private.....
44	McCauley, Thomas.....	Private.....
45	McCoy, William.....	Private.....
46	McCumber, William.....	Private.....
47	McMurtry, Junius T.....	Private.....
48	Ott, James.....	Private.....
49	Peel, Fernando A.....	Private.....
50	Peavy, James J.....	Private.....
51	Perkins, Franklin L.....	Private.....

No.	Names.	Rank.
52	Powell, Calvin.....	Private.....
53	Powell, John W.....	Private.....
54	Rooney, Hugh.....	Private.....
55	Slaughter, Samuel C.....	Private.....
56	Smith, William J.....	Private.....
57	Smith, Charles.....	Private.....
58	Snyder, Nelson.....	Private.....
59	Thompson, Robert.....	Private.....
60	Thorn, William.....	Private.....
61	Van Middlesworth, Peter.....	Private.....
62	Williams, James.....	Private.....
63	Wood, John D.....	Private.....
64	Wrend, John.. ..	Private.....
TRANSFERRED.		
	Burke, Michael.....	.....
DESERTED.		
	Suits, George W.....	First Sergeant.....
	Thomas, George G.....	Corporal.....
	Kelly, Thomas.....	Wagoner
	Doughty, James C.....	Second Lieutenant.....

A true copy.

Attest:

W. S. URMY,
Clerk Committee on Elections.

NAMES ON THE MUSTER ROLL

Of Company "G," Second California Cavalry.

No.	Names.	Rank.
1	James Winn.....	Captain (Dead.)
1	Theodore H. Goodman.....	Captain.....
2	Ira Buffum.....	First Lieutenant.....
3	Nathaniel P. Pierce	Second Lieutenant.....
1	Francis McKenna.	First Sergeant.....
2	George C. Huntington.....	Quartermaster.....
3	George A. Walker.....	Sergeant.....
4	Jer. W. Williamson.....	Sergeant.....

No.	Names.	Rank.
5	Ward Huntington.....	Sergeant.....
6	Stillman Robinson.....	Sergeant.....
1	George S. Schwab.....	Corporal.....
2	Archibald Taylor.....	Corporal.....
3	Deming J. Green.....	Corporal.....
4	Norton E. Judd.....	Corporal.....
5	William Brown.....	Corporal.....
6	Abner Ryder.....	Corporal.....
7	Ezekiel W. Boggs.....	Corporal.....
8	George H. Blakeslee.....	Corporal.....
1	Marion McCreary.....	Farrier.....
2	John W. Anderson.....	Blacksmith.....
3	John H. Martin.....	Bugler.....
4	Michael H. Bonner.....	Bugler.....
5	Joseph K. Bachelder.....	Wagoner.....
6	Richard A. Osmer.....	Saddler.....
1	Adams, Charles D.....	Private.....
2	Armstrong, John.....	Private.....
3	Barrett, John B.....	Private.....
4	Bowser, Henry M.....	Private.....
5	Brazelton, James F.....	Private.....
6	Bridges, Joseph H.....	Private.....
7	Carpenter, Orrin F.....	Private.....
8	Casserly, Philip.....	Private.....
9	Cowan, John.....	Private.....
10	Crain, Norris.....	Private.....
11	Cunningham, Jos. A.....	Private.....
12	Denny, Henry.....	Private.....
13	Devannery, Michael.....	Private.....
14	Emery, Jesse B.....	Private.....
15	Eyerick, George.....	Private.....
16	Haskell, Seth H.....	Private.....
17	Hershberger, John S.....	Private.....
18	Hazen, George W.....	Private.....
19	Howard, George M.....	Private.....
20	Jeffers, John.....	Private.....
21	Johnston, James R.....	Private.....
22	Joyce, David K.....	Private.....
23	Judson, William.....	Private.....
24	Kelly, Joseph.....	Private.....
25	Keifer, John L.....	Private.....
26	Lance, William H.....	Private.....
27	Largy, John.....	Private.....
28	Leiding, Fritz.....	Private.....
29	Lovejoy, Jabez F.....	Private.....
30	Lewis, Philip.....	Private.....
31	Lunt, John M.....	Private.....
32	Maguire, John.....	Private.....
33	McKenna, Michael.....	Private.....
34	Merchant, William.....	Private.....
35	Mitchell, Myron H.....	Private.....

No.	Names.	Rank.
36	Myers, Augustus A.....	Private.....
37	Myers, Peter.....	Private.....
38	Montgomery, James.....	Private.....
39	McLelland, Albert E.....	Private.....
40	Nichols, Alexander C.....	Private.....
41	Owens, John M.....	Private.....
42	Packwood, Daniel G.....	Private.....
43	Platt, John L.....	Private.....
44	Potter, William K.....	Private.....
45	Powell, Henry T.....	Private.....
46	Quimby, Elijah D.....	Private.....
47	Roxburgh, John.....	Private.....
48	Searles, Robert.....	Private.....
49	Sinnot, James H.....	Private.....
50	Sowerwine, George.....	Private.....
51	Spratt, Thomas.....	Private.....
52	Snyder, John.....	Private.....
53	Thompson, Marshall D.....	Private.....
54	Timson, Robert P.....	Private.....
55	Turner, Moses J.....	Private.....
56	Watts, John W.....	Private.....
57	Werner, William H. H.....	Private.....
58	Wilmarth, Barton.....	Private.....
59	Willetts, John C.....	Private.....
60	Winters, Nathaniel.....	Private.....
61	Young, Samuel T.....	Private.....
ABSENT.		
62	Allen, James.....	Private.....
63	Bascom, Docius.....	Private.....
64	Bates, James M.....	Private.....
65	Carter, Ethan J.....	Private.....
66	Favour, John.....	Private.....
67	Gleason, Cyrus S.....	Private.....
68	McClannin, Isaac K.....	Private.....
69	Orr, William.....	Private.....
70	Wolf, George W.....	Private.....
DISCHARGED.		
1	Bechter, William.....	Private.....
2	Thompson, Henry.....	Private.....

A true copy.

Attest :

W. S. URMY,
Clerk Committee on Elections.

NAMES ON THE MUSTER ROLL

Of Company "I," Second California Cavalry, from June thirty-first, eighteen hundred and sixty-two, to August thirty-first, eighteen hundred and sixty-two.

No.	Names.	Rank.
1	William Jones	Captain.....
1	William G. Morris.....	First Lieutenant.....
1	Joy H. Naper.....	Orderly Sergeant.....
2	Michael O'Keefe.....	Sergeant.....
3	Daniel W. Livergood	First Sergeant.....
4	James H. Gordon	Sergeant
5	Thomas H. Blinco.....	Sergeant
1	Gerome B. Graham.....	Corporal.....
2	Demetrius W. Bracy	Corporal.....
3	Joseph J. Fry.....	Corporal.....
4	John Nowlan.....	Corporal.....
1	Alfred McAllister.....	Bugler
1	William T. Davis.....	Farrier
1	James H. Blakesley.....	Wagoner.....
1	Richard W. Angelo.....	Saddler
1	Albro, Thomas J.	Private
2	Askew, William P.	Private
3	Bradford, Caleb.....	Private
4	Bolze, Daniel	Private
5	Box, James.....	Private
6	Bowns, George	Private
7	Brandon, John.....	Private
8	Callehan, John.....	Private
9	Canary, Martin.....	Private
10	Cook, John W.....	Private
11	Cullen, Lewis.....	Private
12	Cummings, George W.....	Private
13	Jobson, William M.	Private
14	Dean, Samuel C.....	Private
15	Donnahue, James.....	Private
16	Dewyre, Samuel.....	Private
17	Dorfroskey, William F.....	Private
18	Donnelly, Peter.....	Private
19	Edwards, James C.....	Private
20	Egbert, Jessay S.....	Private
21	Grant, Joseph.....	Private
22	Gant, Obadiah.....	Private
23	Gibbs, Thomas H. II.....	Private
24	Hall, Fredrie G.....	Private
25	Hall, Henry J.....	Private
26	Henry, Peter	Private
27	Ingraham, Warren.....	Private
28	Killpatrick, William J.....	Private
29	Knight, William L.....	Private
30	Lane, Asa F.....	Private
31	Logue, James.....	Private
32	Logue, John.....	Private

No.	Names.	Rank.
33	Lynch, Martin.....	Private.....
34	McTarnahan, Samuel B.....	Private.....
35	Myers, John	Private.....
36	Malcomb, Lewis.....	Private.....
37	Marple, Samuel W.....	Private.....
38	Midaugh, Nelson D.....	Private.....
39	Morris, James.....	Private.....
40	Moses, Andrew J.....	Private.....
41	Mullen, Joseph.....	Private.....
42	Murray, John.....	Private.....
43	McCabe, Charles M.....	Private.....
44	McCaffrey, Charles.....	Private.....
45	McCauly, John.....	Private.....
46	Navoor, Samuel	Private.....
47	Norvill, Ludermans	Private.....
48	Palmer, Joseph C.....	Private.....
49	Porter, William J.....	Private.....
50	Reader, Samuel B. W.....	Private.....
51	Rice, George.....	Private.....
52	Riding, Henry.....	Private.....
53	Roley, James C.....	Private.....
54	Rowley, Manvah P.....	Private.....
55	Ryan, Edward F.....	Private.....
56	Sletz, Philip.....	Private.....
57	Speedy, James.....	Private.....
58	Sale, Thomas A.....	Private.....
59	Smith, Elijah W.....	Private.....
60	Spencer, Dennis.....	Private.....
61	Stevens, James H.....	Private.....
62	Stroble, Charles C.....	Private.....
63	Sullivan, Dennis H.....	Private.....
64	Taylor, Thomas.....	Private.....
65	Tinney, Albert E.....	Private.....
66	Unger, McKelvie J.....	Private.....
67	Van Tassel, Silas.....	Private.....
68	Vogle, Eugene.....	Private.....
69	Wade, Ephram H.....	Private.....
70	Young, Newton.....	Private.....
	RESIGNED.	
1	William A. Oliver.....	Second Lieutenant.....
	DISCHARGED.	
1	William P. Williams.....	Private

A true copy.

Attest:

W. S. URMY,
Clerk Committee on Elections.

POLL LIST,

Oak Creek Precinct, Owen's Valley, Tulare County, September third, eighteen hundred and sixty-two.

No.	Names.	No.	Names.
1	T. M. Heston,	46	E. W. Boggs,
2	John Snyder,	47	John Magyre,
3	William B. Osburn,	48	John Favor,
4	F. A. Peel,	49	George D. French,
5	William Jones,	50	M. A. M'Glaughlin,
6	Joseph K. Batcheler,	51	N. D. Middaugh,
7	Daniel W. Livergood,	52	G. L. Schwab,
8	T. H. Goodman,	53	John Hushburger,
9	Andrew J. Moses,	54	Nathaniel T. Winters,
10	John M. O'Neill,	55	J. B. Barret,
11	J. R. Johnson,	56	H. J. Hall,
12	J. K. M'Clannan,	57	James C. Roley,
13	J. H. Bridges,	58	James Logue,
14	Samuel W. Marple,	59	Henry Beckom,
15	Samuel C. Dean,	60	N. E. Judd,
16	Marshall D. Thompson,	61	R. Hicks,
17	William J. Porter,	62	William Ormsby,
18	Obediah Gant,	63	William L. Knight,
19	Junius F. McMurtry,	64	D. H. Sullivan,
20	Paul Haller,	65	Samuel M'Tarnahan,
21	J. H. Gorden,	66	John Willits,
22	M. P. Rowley,	67	G. H. Blakesly,
23	T. A. Sale,	68	J. H. Blakesly,
24	J. M. Bates,	69	S. J. Stark,
25	D. M. Bascom,	70	James C. Doughty,
26	R. A. Osmer,	71	John Armstrong,
27	H. T. Powell,	72	Silas Vantassel,
28	James C. Edwards,	73	Hugh Neper,
29	Abner Ryder,	74	E. K. Hale,
30	D. W. Bracy,	75	G. C. Huntington,
31	J. B. Graham,	76	A. A. Myers,
32	Michael O'Keeffe,	77	John Largy,
33	Ward Huntington,	78	John W. Anderson,
34	Norris Crain,	79	George Wolf,
35	C. D. Adams,	80	E. W. Smith,
36	Edward Foley,	81	J. A. Cunningham,
37	William Hickey,	82	A. C. Nicholls,
38	Hiram K. Axtell,	83	W. Merchant,
39	Philip Lewiss,	84	John Cowan,
40	Richard Angelo,	85	Nelson Snyder,
41	John Lanagan,	86	Hugh Mewhinney,
42	George Bownes,	87	P. Myers,
43	Samuel T. Zong,	88	Edward C. Carr,
44	M. M'Kenner,	89	J. Lorber,
45	J. F. Lovejoy,	90	A. McAllester,

No.	Names.	No.	Names.
91	Denis Spencer,	96	Christopher Larsen,
92	William Orr,	97	John Eddy,
93	Daniel Bolze,	98	William J. Killpatric,
94	Henry Bowser,	99	Eugene Vogel,
95	T. H. H. Gibbs,	100	M. J. Unger.

STATE OF CALIFORNIA, }
County of Tulare, } ss.

We, the Inspector, Judges, and Clerks of the General Election held at the Oak Creek Precinct, Tulare County, California, September third, eighteen hundred and sixty-two, at the residence of the late J. H. Pleasants, certify that the accompanying Poll List, consisting of one and a half sheets of foolscap paper, and marked 1, 2, 3, 4, is the true and genuine Poll List of the voters of the said election.

Dated at Oak Creek, September third, eighteen hundred and sixty-two.

WILLIAM B. OSBURN,
Inspector.
ISAAC K. McCLANNIN,
JOSEPH H. BRIDGES,
Judges.
A. J. MOSES,
J. H. GORDEN,
Clerks.

STATE OF CALIFORNIA, }
County of Tulare, } ss.

Thomas M. Heston is, by these presents, duly appointed as Messenger to carry the papers relating to the election returns from Oak Creek Precinct to the County Clerk's office in Visalia, Tulare County.

Dated at Oak Creek, September third, eighteen hundred and sixty-two.

WILLIAM B. OSBURN,
Inspector.
ISAAC K. McCLANNIN,
JOSEPH H. BRIDGES,
Judges.
A. J. MOSES,
J. H. GORDEN,
Clerks.

TALLY LIST OF VOTES,

*Given at Oak Creek Precinct, Tulare County, California, at a General Election,
held September third, eighteen hundred and sixty-two.*

FOR SUPERINTENDENT OF PUBLIC INSTRUCTION.	
Jonathan D. Stevenson*.....	43
John Swett.....	57
FOR ASSEMBLY.	
Nathan Baker.....	95
FOR SUPERVISOR, FIRST DISTRICT.	
A. M. Donaldson.....	94
FOR PUBLIC ADMINISTRATOR.	
H. C. Townsend.....	1
FOR CORONER.	
Samuel Jennings.....	1
FOR COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.	
H. L. Matthews.....	1

The undersigned, Inspector, Judges, and Clerks of the general election, held September third, eighteen hundred and sixty-two, at the residence of the late J. H. Pleasants, at Oak Creek Precinct, Tulare County, State of California, do certify that the accompanying Tally List is the genuine and true Tally List of the votes given at said election.

Dated at Oak Creek, Tulare County, State of California, this third day of September, eighteen hundred and sixty-two.

W. B. OSBURN,
Inspector.
ISAAC McCLANNIN,
JOSEPH H. BRIDGES,
Judges.
A. J. MOSES,
J. H. GORDON,
Clerks.

* In the spaces between the names of the candidates and the figures indicating their aggregate votes, are ordinary tally marks.

At a general election held at the residence of the late J. H. Pleasants, in Oak Creek Precinct, Tulare County, California, in the absence of Inspector and Judges being appointed by the Board of Supervisors of Tulare County, William B. Osburn was duly chosen Inspector, and I. K. McClannin and Joseph H. Bridges Judges, by the electors present, when said officers were duly qualified according to law. J. H. Gordon and A. J. Moses were duly chosen and qualified as Clerks of said election, after which the proclamation being made, the polls were duly opened.

The whole number of votes cast for the office of Superintendent of Public Instruction were one hundred, of which number Jonathan D. Stevenson received forty-three, and John Swett received fifty-seven.

The whole number of votes cast for the office of Assemblyman for the County of Tulare were ninety-five, of which number Nathan Baker received ninety-five.

The whole number of votes cast for the office of Supervisor First District were ninety-four, of which number A. M. Donaldson received ninety-four.

For Public Administrator, H. C. Townsend received one vote.

For Coroner, Samuel Jennings received one vote.

For County Superintendent of Public Instruction, H. L. Matthews received one vote.

In witness whereof, we, the Inspector, Judges, and Clerks of said election have hereunto set our hands, this third day of September, eighteen hundred and sixty-two, at Oak Creek, Tulare County, California.

W. B. OSBURN,

Inspector.

ISAAC K. MCCLANNIN,

JOSEPH H. BRIDGES,

Judges.

A. J. MOSES,

J. H. GORDON,

Clerks.

Thomas M. Heston was duly sworn to act as Special Messenger.

W. B. OSBURN, Inspector.

SEPTEMBER 3d, 1862.

STATE OF CALIFORNIA, }
County of Tulare. }

I do solemnly swear that I received the within package, containing the election returns of Oak Creek Precinct, from the Inspector of said election, and that the same has not been out of my possession, nor underwent any alteration while in my possession.

THOMAS M. HESTON.

Subscribed and sworn to before me this tenth day of September, eighteen hundred and sixty-two.

E. E. CALHOUN, Clerk.

By J. S. MCGAHEY, Deputy.

[Indorsement on Envelop:] "To County Clerk of Tulare County, Visalia, Cal.; Election Returns—Oak Creek Precinct. By Special Messenger, Thomas M. Heston."
[Indorsed across Envelop:] "Filed September 10th, 1862."

STATEMENT

Of the Votes polled at a General Election held in the County of Tulare, State of California, on Wednesday, the third day of September, A. D. eighteen hundred and sixty-two, for Member of Assembly:

PRECINCTS.	Nathan Baker....	J. W. Freeman....
Visalia.....	170	195
Kings River.....	11	9
Tule River.....	49	29
Woodville.....	14	47
Outside Creek.....	39	56
White River.....	23	25
Linn's Valley.....	12	11
Petersburg.....	28	9
Keysville.....	18	39
Granite Spring.....	34	10
Owen's River.....	27	5
Totals.....	425	435

STATE OF CALIFORNIA, }
County of Tulare. } ss.

This certifies the foregoing to be a true statement of the votes polled at the precincts established by the Board of Supervisors of Tulare County, for Assemblyman, at the general election held on the third day of September, A. D. eighteen hundred and sixty-two, at which Nathan Baker received four hundred and twenty-five votes, and J. W. Freeman received four hundred and thirty-five votes. I also certify that there was a package filed in my office on the tenth day of September, A. D. eighteen hundred and sixty-two, purporting to be "Election Returns—Oak Creek Precinct," which package was not opened by the Board of Canvassers, nor was there any notice taken of the same in the records of said Board.



In testimony whereof I hereunto set my hand and affix the seal of the County Court, at my office in Visalia, this twentieth day of December, A. D. eighteen hundred and sixty-two.

E. E. CALHOUN,
County Clerk of Tulare County, California.

REPORT

OF THE ASSEMBLY COMMITTEE ON ELECTIONS IN THE CASE OF BAKER VS. FREEMAN.

MR. SPEAKER :—The Committee on Elections, to whom was referred the petition of Nathan Baker, contesting the seat of J. W. Freeman, member from Tulare County, have had the same under examination, and after a full hearing of the testimony in the case, beg leave to report that they find the facts to be :

First—That at the general State election, held September third, eighteen hundred and sixty-two, the whole number of votes cast in the County of Tulare for member of Assembly, exclusive of returns from Oak Creek, or Camp Independence, was eight hundred and sixty, of which J. W. Freeman received four hundred and thirty-five, and Nathan Baker four hundred and twenty-five ;

Second—That a package purporting to be election returns of Oak Creek Precinct, was received by the Clerk of Tulare County, and presented to the Board of Supervisors of said county, who refused to open and canvass the same ;

Third—That application was made to the Board of Supervisors of Tulare County for the establishment of a precinct at Oak Creek, but that said precinct was not established by said Board ;

Fourth—That on the day of election, polls were opened at Oak Creek, and votes for Assemblyman for Tulare County were received, of which ninety-five were cast for Nathan Baker, and five were blank ;

Fifth—That at the time of said election, and for more than thirty days prior thereto, there were stationed at Camp Independence, or Oak Creek, Companies I, G, and D, Second California Cavalry ;

Sixth—That the majority of the officers of said election at Oak Creek were persons belonging to said companies ;

Seventh—That of the said one hundred votes, ninety-two were cast by officers and members of said Second California Cavalry. Also, that they find the law to be that, “for the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or

absence, while employed in the service of the United States;" but that the mere fact of such employment in the service of the United States does not disfranchise the volunteer citizen of a State, and that the burden of proof is upon the party contesting the right of such persons to vote, namely: to show that they were not qualified electors of the county in which such vote was cast.

In the opinion of your committee, the party upon whom the burden of proof is thrown is not, under our law, compelled to designate and show, by positive evidence, each individual voter to have been disqualified; but that he may show, presumptively, a whole body or company of soldiers to have been disqualified, by proving the locality where such company was raised to have been other than the place where they cast their votes, and by such other evidence as the surrounding facts and circumstances may furnish.

It was satisfactorily shown to your committee that, in this case of the one hundred votes cast at Oak Creek, ninety-two were cast by persons not entitled, under the law, to vote for representative from said County of Tulare. Therefore, rejecting the ninety-two votes as illegal, and assuming all the eight *prima facie* good votes to have been cast for Contestant, there still remains for Respondent a majority of two.

Wherefore, your committee respectfully submit the following resolutions:

Resolved, That the Respondent^{*} in this case, J. W. Freeman, is entitled to a seat in this Assembly as the regularly elected member from Tulare County.

Resolved, That upon the hearing of this case, Nathan Baker, Contestant, and J. W. Freeman, Respondent, be allowed to appear on the floor of this House, either in person or by Counsel, and present their respective claims to a seat in this body.

J. W. OWEN, Chairman.
SUTTON,
RULE,
WILCOX,
IRWIN,
WHIPPLE.

REPORTS

FROM THE

SENATE FINANCE COMMITTEE,

ON

SENATE BILL NO. 206.

BENJ. P. AVERY.....STATE PRINTER.

REPORT.

MR. PRESIDENT:—The undersigned, members of the Committee on Finance, to whom was referred Senate bill No. 206, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a Funded Debt for that purpose, have had the same under consideration, and make the following report :

The Indian War Debt referred to in the bill was contracted on the part of the State of California in the suppression of Indian hostilities, in the organization of the several expeditions mentioned in the several Acts of the Legislature under which the bonds were issued, viz :

To make provision for the settlement of the claims arising from those expeditions, the Legislature of this State, by an Act passed February fifteenth, eighteen hundred and fifty-one, authorized and negotiated a loan, upon the faith and credit of the State, in a sum not exceeding five hundred thousand dollars, payable in ten years, at a rate of interest of twelve per cent per annum. (See section one of said Act.) Under this Act the parties holding claims took bonds to the amount of two hundred thousand dollars. The Legislature, May third, eighteen hundred and fifty-two, passed another Act, the first section of which reads as follows, viz :

“Section 1. A sum not exceeding six hundred thousand dollars is hereby appropriated and set aside as an additional War Fund, payable in ten years, out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of seven per cent per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose; and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this Act shall be good and valid claims against the State, and shall be paid out of any money in the Treasury not otherwise appropriated, to pay the expenses of the expeditions mentioned in this Act.”

The Legislature, in eighteen hundred and fifty-three, passed three additional Acts making further appropriations :

By the Act of the 15th of April.....	\$23,000
By the Act of the 16th of April	2,500
By the Act of May 18th.....	23,000

The State, by the authority and under these Acts, issued twelve per cent bonds for two hundred thousand dollars, and seven per cent bonds for six hundred and thirty-three thousand nine hundred and sixty-five dollars.

Congress, on the fifth day of August, eighteen hundred and fifty-four, by the ninth section of the "Army Appropriation Bill," appropriated the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents for the payment of the expenses incurred by the State, which said Act reads as follows :

"And it is further enacted, That the Secretary of War be and he is hereby authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the said State prior to the first day of January, A. D. eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be paid into the Treasury of said State; provided, that the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The amount named in the Act of Congress was the sum estimated and mentioned by Governor Bigler, in his annual message to the Legislature, A. D. eighteen hundred and fifty-four, as the War Debt of the State.

The State Legislature, by an Act passed the twenty-ninth of March, A. D. eighteen hundred and fifty-five, (see Statutes, page 61,) authorized the Governor to transmit to the Secretary of War a statement of the amount of the indebtedness incurred by the State prior to the first day of January, A. D. eighteen hundred and fifty-four, and also to transmit a certified copy from the Secretary of State of all laws authorizing military expeditions against the Indians, and making appropriations to pay the same.

(See Senate Journal, eighteen hundred and fifty-six, Governor Bigler's Message, page 27; Governor Johnson's Message, page 226; see also, Senate Journal, eighteen hundred and fifty-six, page 71.)

The requirements of said Act having been complied with by the State authorities, and upon the receipt of the documents by the then Secretary of War, Jefferson Davis, in reply thereto, wrote Governor Bigler the following letter :

WAR DEPARTMENT,
Washington, July 18th, 1855. }

SIR :—I have to acknowledge the receipt of your letter of the twelfth of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California in the suppression

of Indian hostilities, for the payment of which provision has been made by the ninth section of the Army Appropriation Act, approved August fifth, eighteen hundred and fifty-four.

The Act directs the Secretary of War to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California. This requirement cannot, in my opinion, be fulfilled upon evidence showing nothing more than that the State has issued certain bonds and warrants for the purpose of supplying claims of the description mentioned in the Act, and that these bonds have been issued to certain persons.

Under similar circumstances, other States have produced the original bills paid by them, and the Department has thus been enabled at once to see that the charge was one which Congress intended to assume, and that it had been paid. I cannot so far depart from a practice which, I believe, has been invariably observed, as to authorize payment to be made to the State of California upon the evidence now tendered.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. JOHN BIGLER, Governor of California.

The matter was brought to the notice of the Legislature by Governor Bigler, also by Governor Johnson, at its session in eighteen hundred and fifty-six; and in order to secure the appropriation made by Congress, the Legislature passed, April nineteenth, A. D. eighteen hundred and fifty-six, an Act, whereby a Board of Commissioners was appointed to prosecute before the Secretary of War the claim of the State. The Commissioners were required by the Act to set aside a sufficient sum out of the appropriation made by Congress, to first pay the twelve per cent bonds and interest, and then provides that the Commissioners shall "advertise for bids for the redemption of the seven per cent bonds;" said Commissioners were also directed to "receive and take with them to Washington all the original vouchers."

The Commissioners appointed under the Act proceeded to Washington as soon as practicable after their appointment, where they opened an office, and made application to the Secretary of War, as by said Act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred by the State in suppression of Indian hostilities, and as evidence of said indebtedness, the Commissioners submitted a certified copy of the War Bond Register of said State, and the various Acts of the Legislature authorizing the issuance of said bonds, and the Journals of the Legislature exhibiting the action of that body in relation to the same, proposing further to deliver to him the bonds issued by the State before making requisition for the money.

In reply, the Secretary of War stated, in substance, that the proofs submitted were insufficient; that he could not recognize the bonds as evidence of the indebtedness, but that the Act of Congress of August fifth, A. D. eighteen hundred and fifty-four, under which Act the appropriation was made, would require time to go into an examination of the original vouchers. As this course of proceeding would have involved great delay and difficulty, and the Commissioners being satisfied, from the condition of the original vouchers, which were in many instances informal, that a large portion of them would be disallowed, the Commissioners, with the

advice of a few bondholders residing in Washington, applied to Congress for relief, and a supplemental bill was introduced, and finally, after much delay and opposition, was passed, which said Act is as follows :

*“And be it further enacted, That the Secretary of War is hereby authorized and directed to pay to the holders of the War Bonds of the State of California the amount of money appropriated by Act of Congress, approved May (August) fifth, eighteen hundred and fifty-four, in payment of expenses incurred and now actually paid by the State of California for the suppression of Indian hostilities within the said State, prior to the first day of January, eighteen hundred and fifty-four, under the following restrictions and regulations : Before any bonds shall be redeemed by the Secretary of War, they shall be presented to the Board of Commissioners of California, appointed by the Legislature of said State, by an Act approved April nineteenth, eighteen hundred and fifty-six, and the amount due and payable upon each bond be indorsed thereon by said Commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holders thereof for the amount certified to be due upon the same by the said Commissioners, upon the Secretary of the Treasury, who is hereby directed to pay the same ; *provided*, that said amounts, in the aggregate, shall not exceed the amount of money appropriated by Act of Congress, approved August fifth, eighteen hundred and fifty-four ; said bonds, after redemption, and after taking off the coupons that remain unpaid, shall be delivered to the Secretary of War to be cancelled.”*

After the passage of the supplemental Act, a question arose as to the applicability of any portion of said appropriation to the payment of the interest accruing after the first day of January, eighteen hundred and fifty-four, and to the payment of the bonds issued by the State in eighteen hundred and fifty-four and eighteen hundred and fifty-five. This question was submitted to the Third Auditor of the Treasury Department for his opinion upon the points.

The Auditor held that no portion of the appropriation could be applied, under the said Acts of Congress, to any indebtedness accruing after the first day of January, eighteen hundred and fifty-four, the same not having been included in the estimate at the time it was made. In this opinion of the Auditor the Secretary of War concurred.

The decision of the Treasury Department is as follows :

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, }
September 3d, 1856. }

HON. JEFFERSON DAVIS,
Secretary of War :

SIR :—I have the honor to submit herewith for your consideration and decision, a communication addressed to me to-day by J. W. Denver and Samuel B. Smith, Esq., California War Debt Commissioners, inclosing a copy of a letter from them to you of the thirtieth ultimo.

In these communications, the Commissioners raise two points relative to the payment of the War Bonds issued by the State of California, the redemption of which is provided for by the Acts of the fifth of August, eighteen hundred and fifty-four, and eighteenth of August, eighteen hundred and fifty-six, to wit :

First—Whether interest upon the bonds will be allowed for any time

beyond the first day of January, eighteen hundred and fifty-four, to which it is calculated.

Second—Whether any War Bonds will be redeemed (upon Commissioners certifying them to be genuine, due, and payable) that were issued by the State of California in the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, in payment of expenses incurred in the suppression of Indian hostilities in said State ; or, in other words, whether the money appropriated by the Act of Congress of the fifth of August, eighteen hundred and fifty-four, can be applied to the payment of indebtedness accruing against the State of California, either as principal or interest, since the first day of January, eighteen hundred and fifty-four, *the same not having been included in the estimate on which the appropriation was made.*

In submitting these points, I take the liberty of expressing the following opinion :

First—If the result of the investigation now going on in this office shall show that the sum appropriated by the Act of eighteen hundred and fifty-four will be sufficient to pay the principal of the seven and twelve per cent War Bonds and interest, beyond the first day of January, eighteen hundred and fifty-four, then, in my judgment, such interest can be paid to the extent of the appropriation, up to and not beyond the fifth of August, eighteen hundred and fifty-four, the day the law was approved by the President ; otherwise, not. But if the appropriation shall turn out to be insufficient for the satisfaction of the bonds, with interest, to the first day of January, eighteen hundred and fifty-four, then, in my opinion, they be paid pro rata to the extent of the appropriation.

Second—The admission of the Commissioners, that the War Bonds issued in eighteen hundred and fifty-four and eighteen hundred and fifty-five, either principal or interest, were not included in the estimate upon which the appropriation was made in the Act of the fifth of August, eighteen hundred and fifty-four, is, in my judgment, conclusive on this point.

I cannot see how the amount thus appropriated can be applied to any object outside the estimate upon which it was based, unless expressly directed by the supplemental Act of the eighteenth of August, eighteen hundred and fifty-six.

The latter Act contains no such special direction, and the bonds issued in eighteen hundred and fifty-four and eighteen hundred and fifty-five are, therefore, clearly excluded from all the benefits of the original appropriation.

I am, with great respect,

Your obedient servant,

W. H. S. TAYLOR,
Acting Auditor.

The following is the decision of the Honorable Secretary of War upon the foregoing report :

“ I concur in the view of the Third Auditor, as to the date to which interest may be calculated, and entertain no doubt as to the inapplicability of the appropriation to bonds issued after the date of the appropriation Act of August fifth, eighteen hundred and fifty-four, as it provided only for expenses which had been incurred prior to the first of

January, eighteen hundred and fifty-four, in the suppression of Indian hostilities within the State of California. Should the appropriation be inadequate to meet the obligation for which it was provided, then it will, of course, be necessary to pay pro rata.

"JEFFERSON DAVIS,

"Secretary of War.

"WAR DEPARTMENT, September 4, 1856."

Under the said Act of Congress, and the construction given to them by the Secretary of War, the principal of all the bonds issued prior to the first day of January, A. D. eighteen hundred and fifty-four, and the interest on the same up to that date, have been paid and discharged or provided for.

There was paid on the twelve per cent bonds: principal, one hundred and ninety-seven thousand dollars; interest on the same, sixty two thousand one hundred and fifty-two dollars and ninety-seven cents.

Of the seven per cent bonds: principal, five hundred and ninety-one thousand two hundred dollars; interest on the same, fifty thousand eight hundred and twenty-six dollars and ninety-eight cents; amounting in all to nine hundred and one thousand one hundred and seventy-nine dollars and ninety-five cents, as appears by the register of the redemption of the seven and twelve per cent War Bonds, now on file in the Treasurer's office.

The interest coupons belonging to all the bonds presented to the Commissioners, were detached from the bonds and distributed as follows:

Of seven per cent bonds: coupons one and two, up to January first, A. D. eighteen hundred and fifty-four, were attached to the bonds and have been paid. Coupons three and four, up to January first, A. D. eighteen hundred and fifty-six, have been returned to the holders, stamped as follows: "California War Bond Coupons." Coupon numbered five, from January first, A. D. eighteen hundred and fifty-six, to January first, A. D. eighteen hundred and fifty-seven, similarly stamped, with the amount of interest due on the same up to September first, A. D. eighteen hundred and fifty-six, also stamped upon it, has also been returned to the holders. Coupons six, seven, eight, nine, and ten, representing the interest from January first, A. D. eighteen hundred and fifty-seven, to the maturing of the bonds, have been returned to the State, and were destroyed. Of the twelve per cent bonds: coupons one, two, three, four, and five, representing the interest up to March first, eighteen hundred and fifty-four, were attached to the bonds, but were paid only up to January first, A. D. eighteen hundred and fifty-four, leaving on every bond a balance of twenty dollars interest, from January first to March first, A. D. eighteen hundred and fifty, due to the bondholders, for which amount the Commissioners gave their certificate. Coupons six, seven, eight, nine, and ten, representing the interest due up to the first of September, A. D. eighteen hundred and fifty-six, the time the redemption was made, have been returned to the owners; and the remaining coupons, numbers eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, have been returned to the State, and destroyed as aforesaid.

The entire amount of coupons and certificates returned to the holders of redeemed bonds, and now outstanding, is about one hundred and seventy-two thousand eight hundred and sixty-eight dollars and fifty-four cents, with similar bonds issued by the State authorities subsequent to January first, A. D. eighteen hundred and fifty-four, to the amount of

thirty-eight thousand one hundred dollars, and the interest thereon, now form the present indebtedness created in the suppression of Indian hostilities prior to the first day of January, A. D. eighteen hundred and fifty-four.

Mr. A. J. F. Phelan, Clerk of the Board of Commissioners, to whom your committee are indebted for much interesting information in regard to the manner in which the bonds were redeemed under the said Act of Congress, and from other sources of information, deduce the following facts :

The coupons were mainly detached from the bonds, in the manner aforesaid, by Mr. Phelan, and stamped by him, who specially states that the coupons were returned by him, personally, to the holders, or forwarded to them by mail, and other coupons were deposited by him with Riggs & Co., of Washington, subject to the order of the owner in Washington, and elsewhere; very few of the holders resided in Washington, but principally resided away in the several States. Only those residing in Washington City knew anything of the supplemental bill until after the redemption of the bonds began to be made.

It is quite clear to your committee, from the condition of the original vouchers, that the State would have lost three fourths of the appropriation had the claim of the State been submitted upon them. It was therefore for the interest and benefit of the State that the supplemental Act should have been passed, for the reason that the condition of the bonds issued by the several Acts of the Legislature referred to, absolutely bind the State, in the event Congress should not in the meantime redeem them; and the State is morally and legally bound by the tenor of these bonds to redeem them when due, whether Congress provided for them, or otherwise.

And this is precisely the case now presented for the consideration and action of the present Legislature. A debt is due by the State to the holders of the bonds and coupons now due and unpaid, to the payment of which the faith of the State has been pledged. There being no available funds in the Treasury, the holders of this indebtedness are willing that the same may be renewed on the part of the State.

The subject of this War Debt has been before the Legislature at different times.

A bill for a similar purpose was introduced in the Senate in eighteen hundred and sixty, and was referred to the Committee on Claims. That committee, on recommending the passage of the bill, say: "That they have only to add, that they feel at best the State has been strangely tardy in providing for the payment of this indebtedness." (See Senate Journal, Eleventh Session, page 510.)

The subject was again brought before the Legislature at its session in eighteen hundred and sixty-two, and was referred to the Finance Committee, who made a full and elaborate report, and recommended the passage of an Act for funding of the indebtedness; but owing, mainly, to the want of time, there was no further action had on the subject.

Governor Downey, in his message to the Legislature on the ninth of January, eighteen hundred and sixty-two, in speaking of the War Debt, says :

"There is still due and unpaid, the sum of two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents, on

account of the Indian War Debt, incurred prior to eighteen hundred and fifty-four, and for which an appropriation was made by Congress of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents—more than ample at that time to meet the whole War Debt.

“This balance against the State on this account is mainly owing to the ruling of the Secretary of War, who refused to transfer the amount thus appropriated, declining to recognize the bonds as evidence of this debt, but requiring proof of the indebtedness by the production of the original accounts and vouchers, which in many instances had become quite impossible. Under this ruling of the Secretary, interest of two years and eight months was suffered to accumulate, and the result has been this unpaid balance, consisting of:

Interest or Coupons for the sum of.....	\$172,868 54
Bonds remaining unpaid.....	38,100 00
Interest due on the latter	7,500 00
Total.....	\$218,468 54

“These bonds matured in eighteen hundred and sixty-two. The faith of the State is pledged to their payment, and if Congress will not assume this, as it properly should, the State ought to make some provision for its liquidation.”

The State Treasurer, in his report to the last Legislature, in relation to this War Debt says:

“The War Bonds issued by the State since eighteen hundred and fifty-seven draw no interest, and are payable out of money to be provided by Congress. But from two hundred and twenty to two hundred and fifty thousand dollars, principal and interest, of the bonds of earlier date, became due in May of this year, and are payable by the State; but no funds are in the Treasury applicable to that purpose, and in our present financial condition no way is left but to issue new bonds, with ample provision by law for prompt payment by the State. Thus State credit will be protected, and if Congress make provision for the payment hereafter, the State will meet no loss.”

The Treasurer of the State again referred to the subject in his report to the present Legislature.

The undersigned believe that immediate action should be taken by the present Legislature in the matter; and the undersigned ask leave to report the bill back to the Senate, and recommend its passage.

PERKINS, Chairman.
DOLL.

REPORT.

The undersigned, members of the Finance Committee of the Senate, submit the following as their report upon Senate bill No. 206, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a Funded Debt for that purpose.

We concur in so much of the report of our associates on the Finance Committee as gives the history of the old Indian War Debt, the various Acts of legislation on the part of the Federal and State Governments, and the official action of the Commissioners of the State, as set forth and embodied in the report; but the true story of the creation of this debt, the frauds and wrongs of Indian War Claims, and the extra-official exertions which have secured their recognition by this State and by Congress, is a part of the unwritten history of our early times, which, from considerations of State pride, we will leave unwritten.

How far the first holders of these claims are responsible for swelling up unjust demands, it was not our province to examine. How far the original holders of these bonds are implicated, or to what extent they were cognizant of the character of these war claims, it is impossible for us to ascertain; at this late day it is even difficult to determine whether there be any present innocent holders of unpaid coupons, who have obtained them for anything like a valuable and reasonable consideration. If these coupons are still owned by any of the original contractors of the War Debt, we are convinced they have been more than generously dealt with. If held by any of the bondholders, by original purchase, we are sure they have been amply and fully repaid, principal and interest of their purchase money.

If they are now, as we are led to believe, mostly owned by speculators, who have obtained them for a nominal price, they cannot claim any equitable consideration from the State, but must abide the consequences of dealing in an inequitable demand.

The Indian War Debt was an obligation of the General Government for the suppression of Indian hostilities within the borders of this State. The State was cognizant of its creation, in part, perhaps, responsible for it, and constituted herself the Agent to secure its payment.

When the war was ended, the State exchanged its bonds, bearing

twelve and seven per cent annual interest, with the Indian warriors, and their victims, for their loose and informal vouchers. If the bonds were issued on the "faith and credit" of the State, that "faith" only extended to an honorable effort, on the part of the State, to secure the payment of the demand from Congress; and the only "credit" involved was that of an Agent pledged to the exercise of honest exertion to secure a recognition of the debt by the General Government.

The bonds on their face show a conditional obligation; the promise is to pay in ten years, and if Congress does not appropriate an amount sufficient within that time, *then* the claim is good and valid against the State of California. These bonds were not due until the year eighteen hundred and sixty-two.

The State made every exertion to secure an appropriation by Congress, and on the fifth day of August, eighteen hundred and fifty-four, succeeded in getting nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65) appropriated from the Federal Treasury for the liquidation of these war claims.

The money was ready upon the presentation of the proper vouchers. The loose and unbusiness like character of the transaction would not pass a Government Bureau, and the Secretary of War refused to pay, unless he had proof of some obligation to pay.

In eighteen hundred and fifty-six, the State of California, in the further effort to advance the interest of her citizens in the collection of their demands, sent two Commissioners to Washington City to press their claims before the Secretary of War. These Commissioners were authorized to first pay the twelve per cent bonds, and then to advertise for bids for the redemption of the seven per cent bonds.

When these Commissioners arrived in Washington, by the consent and through the influence of the bondholders, they obtained the passage of an Act of Congress, which took the matter entirely out of the control of the State, diverted the money from the State Treasury directly to the bondholders, deprived the State of the right to call in her bonds under sale to the lowest bidders, ignored the State in the premises, set aside her trust, and destroyed her agency.

The bondholders elected to treat with the General Government direct, took their money from the Federal Treasury, gave up to be cancelled the bonds of the State of California.

It was well for them the bondholders obtained their money, which was bearing but a low rate of interest, six years before it was due; the only sacrifice required of them was the abatement of two years and eight months interest, the time between the first and second Act of Congress, during which time they had been prevented from drawing their money because of defective evidence of the justness and legality of their claims, an embarrassment fully known and understood by the War Bond holders at the time of their purchase, entering into the considerations which governed the buyers, and fully understood in the money market by all who dealt in them.

Whether the holders of those War Bonds were at Washington or not, whether they were privies to the Act of Congress of eighteen hundred and fifty-six, is of little importance. The Commissioners of the State, Messrs. Denver and Smith, seem to have had the custody and control of the bonds, and must therefore have been constituted Agents of the bondholders, authorized for them to accept the compromise, to receive the money, less the interest, and to give up the bonds to be cancelled.

It would clearly have been the interest of the State to have continued

the trust, that the nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents should have been paid into the Treasury, that she might carry out her original intention of advertising and calling in her bonds. She would thus have saved some hundreds of thousands of dollars, which, under the Act of Congress of eighteen hundred and fifty-six, went directly into the hands of her bondholders.

It is very clear to us that the bondholders received their money from the General Government in full satisfaction and discharge of all claims of obligation against the State.

In our opinion, this is the legal effect and proper result of their negotiations, and that there are no equitable considerations as between the holders of these coupons and the State. The State has honorably discharged herself of all the moral and legal obligations which she assumed when the bonds were issued; and if the Committee on Claims of the Senate, in eighteen hundred and sixty, thought the State "strangely tardy" in not paying a doubtful obligation two years before it became due, we can only say that committee was strangely sensitive for the financial reputation of the State.

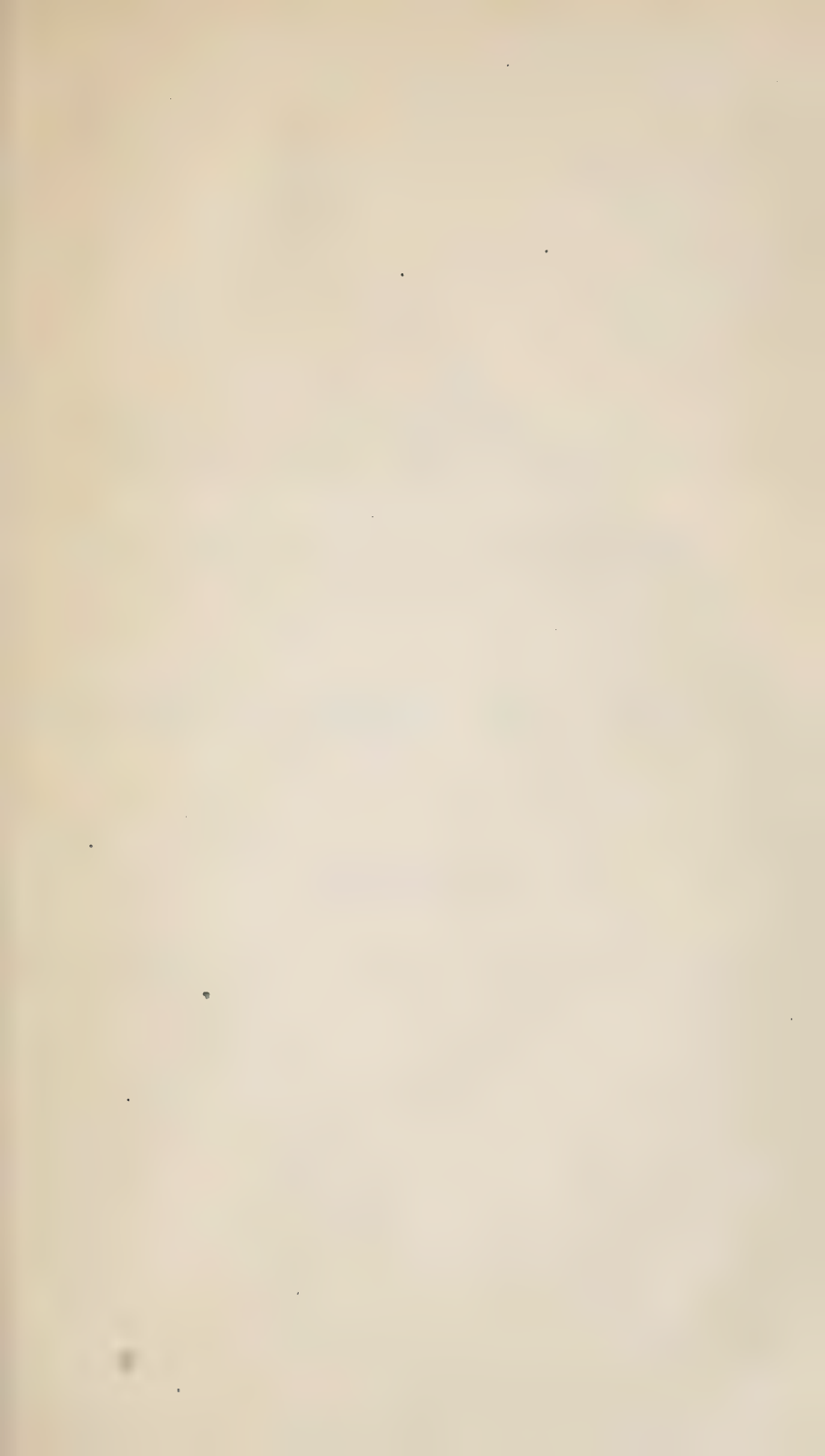
The bonds issued after the Act of Congress making the appropriation in eighteen hundred and fifty-four, may have some higher claim for consideration than these coupons. It may be that some portion of them should be paid, after a careful examination of the original vouchers by the Board of Examiners. As the amount of such bonds is comparatively small, we have not given them a special investigation, leaving them at some future time to come up and be examined upon their own merits.

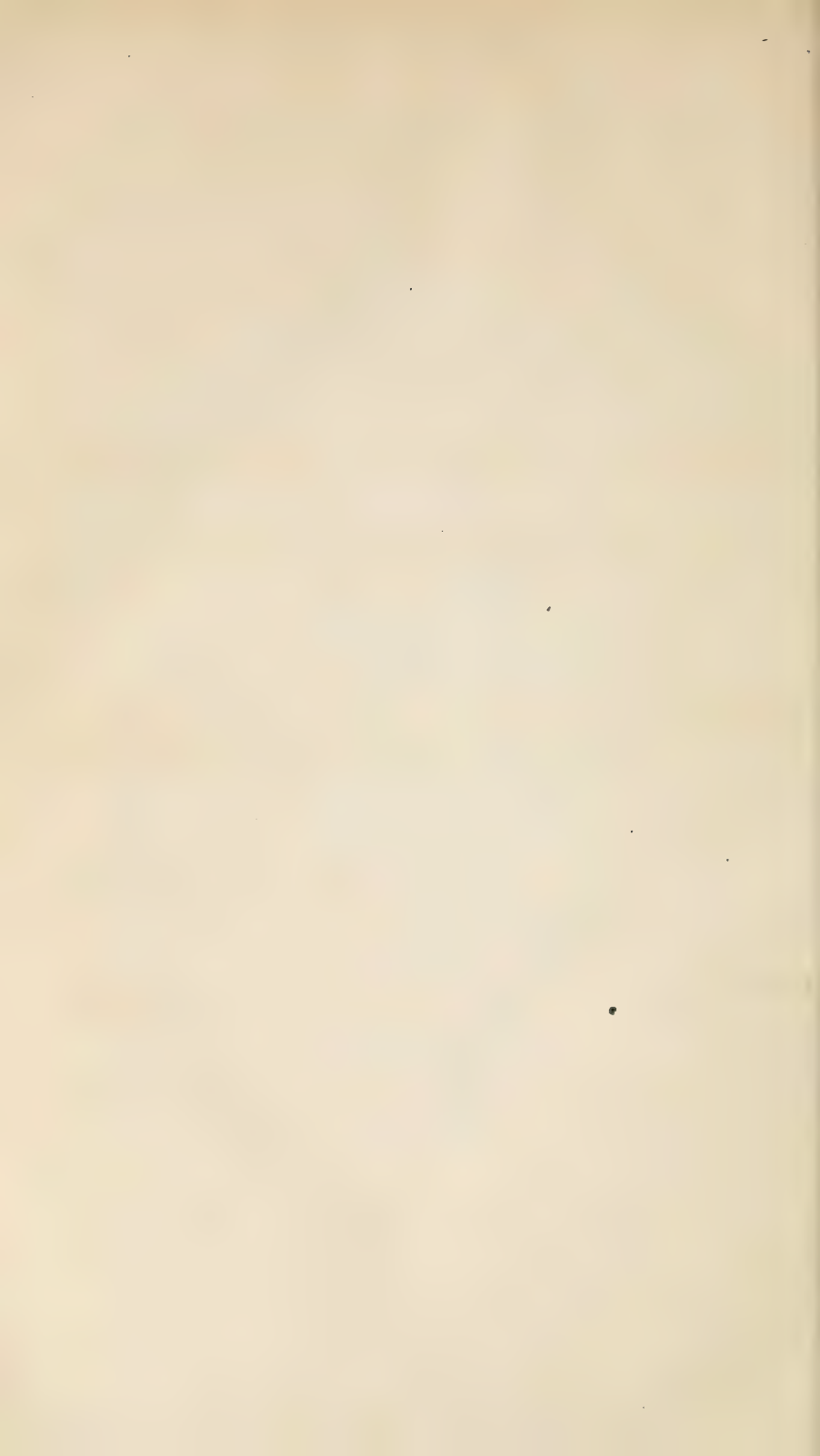
Your committee, therefore, fully mindful of the reputation, faith, credit, and moral character of the State, believe these coupons form no just claim against it, and that in rejecting them the State will neither suffer in reputation, credit, nor conscience.

All of which is most respectfully submitted.

BIRDSEYE,
GASKILL.







REPORT OF JUDICIARY COMMITTEE

ON

CONSTITUTIONAL AMENDMENTS.

SENATE.

.....
BENJ. P. AVERY.....STATE PRINTER.

R E P O R T .

Mr. PRESIDENT :—The Judiciary Committee have had under consideration the subject of the Amendments to the Constitution, in compliance with a resolution of the Senate, and beg leave to submit the following report :

The Constitution points out a mode for its amendment, and also for a change or revision of the entire instrument—the former by propositions on the part of the Legislature, the latter by Convention, called by the Legislature—a ratification by a vote of the people being necessary in either case. Section one of article ten, prescribes the mode of amending the Constitution, as follows: “Any amendment or amendments to this Constitution, may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe. And if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.”

In pursuance of this provision, the Legislature, at its session in eighteen hundred and sixty-one, proposed certain Amendments to sections two, three, five, six, and thirty, of Article Four; sections two, eighteen, and nineteen, of Article Five; the whole of Article Six; and section one of Article Nine. At the session of eighteen hundred and sixty-two, being the Legislature next chosen after the said Amendments were proposed, they came up for consideration. A copy of what purported to be the Amendments, as enrolled, passed the Senate under the designation of a “bill,” and was sent to the Assembly. That body, in view of the fact that some discrepancies had been discovered between the so called Senate

bill and the amendments as they appeared on the journals of the session at which they were proposed, raised a Select Committee to investigate the matter.

That Committee, as their report says, (Appendix to journals of Senate and Assembly, Thirteenth Session,) "with much labor, carefully compared the so called 'Senate bill' with the Amendments and the changes they underwent in their adoption by the two Houses during the twelfth session, as appears from the original papers themselves in the office of Secretary of State; with the written journals of the Senate and Assembly, also in said office; with the enrolled Amendments, also in said office; with the printed journals of the two Houses; with the authorized publication in the Sacramento Union, of August ninth, eighteen hundred and sixty-one; and with the Amendments as published at the end of statutes of eighteen hundred and sixty-one, page 661." After giving a minute history of the amendments as shown by the journals of the preceding session, and other means of information in their possession, they proceeded to point out the various discrepancies, however immaterial. The Committee say that many of the errors are merely clerical, typographical, or verbal, but they thought it better that all errors should be noted, and the investigation of the facts made thorough.

As the result of their investigation, the Committee prepared and reported to the Assembly, for adoption, a substitute for the so called "Senate bill," neither entitling or numbering it as a bill, but only "Amendments to the Constitution."

The substitute, the Committee add, "approximates at least to proper punctuation, orthography, and capitals, which could not be said for the amendments, as set forth in the journals, in enrolled copy, or authorized publication."

This sufficiently shows the general character of the discrepancies. In framing the substitute, the Committee state that they resorted to all the sources of information in their possession, "but principally to the written journals and enrolled copy." An inspection of the substitute (which passed as reported by the Committee) will show that in every case of a discrepancy at all material, the journals were taken as the guide. The Constitution says that where amendments are proposed, "if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon," but there is nothing requiring an enrolled copy; and from the fact that it is not necessary to present such proposed amendments to the Governor, or any one else, for approval, certificate, or signature, it cannot be inferred even that they must be enrolled. If not made necessary, either expressly or by implication, it is but an act of supererogation to enroll them, and an omission to do so, or an erroneous enrolment, could not affect the validity of the amendments. The Select Committee referred to avoided the expression of any opinion on this, as well as other legal points suggested, but, as shown, the journals controlled their action, which fact leaves but one reasonable inference.

The Legislature, by the requisite vote in each house, after the matter had been thus carefully considered, passed the substitute, and thereby, in the language of the Constitution, "agreed" to the amendments as proposed at the previous session, as evidenced by the journals—merely correcting some clerical errors. The amendments thus agreed to were entered on the journals, and the yeas and nays were taken on each Article with the following result:

In the Assembly—Article Four, yeas, 60; nays, 2. Article Five, yeas, 60 nays, 3. Article Six, yeas, 60; nays, none. Article Nine, yeas, 61; nays none.

In the Senate—Article Four, yeas, 31; nays, 1. Article Five, yeas, 28; nays, 3. Article Six, yeas, 33; nays, none. Article Nine, yeas, 31; nays, none.

[Assembly Journals, pages 500–505; Senate Journals, pages 512–517.]

The Amendments, after being agreed to in both Houses, in the manner stated, were carefully enrolled, (though not required,) compared by a Select Joint Committee, and presented to the Governor, who approved or certified the same.

In pursuance of the section of the Constitution cited at the beginning of this report, the Legislature, by an Act approved April twenty-fifth, eighteen hundred and sixty-two, directed how such proposed Amendments should be submitted to the people, prescribing the manner and time. The Act made it the duty of the Governor to advertise the Amendments “as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two,” in the same manner as in case of proclamations and official notices, for the space of three months next preceding the general election of eighteen hundred and sixty-two.

The Amendments to each Article were to be voted upon separately from the others, in the manner and form to be prescribed by the Governor, which manner and form were required to be printed with the proposed Amendments, and for the same length of time. The Act also provides for canvassing the votes cast for and against said proposed Amendments, adding: “And if it shall appear that a majority of all the votes cast upon the question of such Amendment or Amendments at said next general election are in favor of such Amendment or Amendments as a part of the Constitution of the State, then the Governor shall issue his proclamation declaring such fact, and the said Amendment or Amendments, thus adopted, shall become and be a part of the Constitution of this State.”

The Amendments were published for three months next preceding the last general election, and the Governor, on the twenty-ninth day of May, eighteen hundred and sixty-two, issued his proclamation, in pursuance of said Act, prescribing the form for the qualified electors of the State to vote by ballot at the general election held September third, eighteen hundred and sixty-two, “for or against the proposed Amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two.” The form prescribed by the Governor required each voter to vote “Yes” or “No,” separately, on the Amendments to each Article, viz: Amendments to Articles Four, Five, Six, and Nine. (Statutes of 1862—434, 587.) The result, as returned, canvassed, and declared, in pursuance of said Act, is as follows:

Amendments to Article Four.....Yes.....	60,833
Amendments to Article Four.....No.....	10,913
Amendments to Article Five.....Yes.....	59,406
Amendments to Article Five.....No.....	11,777
Amendments to Article Six.....Yes.....	61,389
Amendments to Article Six.....No.....	10,874
Amendments to Article Nine.....Yes.....	61,435
Amendments to Article Nine.....No.....	10,634

It appearing that a majority of all the votes cast upon the question of the Amendments, at the general election, were in favor of such Amendments as a part of the Constitution of the State, the Governor, in pursuance of the law, issued his proclamation declaring such fact; and thereupon both the law and the Constitution say the Amendments thus adopted shall become and be a part of the Constitution.

But notwithstanding the last Legislature agreed to these Amendments, proposed by the preceding one with scarcely a dissenting voice in either House, the concurrence of the Executive in such action and in the submission of the same to the people, and the unparalleled majority with which the people "approved and ratified such Amendments," yet there seems to be a doubt raised as to whether they are a part of the Constitution. In fact, the Governor calls the attention of the Legislature to the subject in his Annual Message, submitted at this session. He says:

"There has arisen much and grave doubt whether the requirements of the Constitution in regard to Amendments have been so complied with as to make the Amendments which the people voted upon at the last election, a part of that instrument. Until the question has been carefully considered, I would suggest that great care be taken in framing laws, to meet the contingency of either determination.

"You will necessarily be called upon at an early stage of your proceedings to determine the question for yourselves. It is one of great delicacy and of infinite importance. It addresses itself to all departments of our State Government, and being of a political character, it is one of which each department may very properly undertake to decide for itself.

"Were it a question of simply construing an acknowledged Constitution, there would be no serious difficulty, for all would agree that the decision of the Judicial Department would be authoritative and final; but it is one of what is the letter of the fundamental law which the people have established to guide and control the Government in all its branches. It is most unfortunate there should be a question as to what is the letter and substance of the Constitution. In the event of a disagreement between the different departments, much confusion might be the result, and possibly anarchy."

His Excellency is quite right in saying that the question as to whether the Amendments have been properly adopted is one of a political character; but the Committee cannot agree with him that "it is one which each department may very properly undertake to decide for itself;" and in order that the Committee may not seem to put their opinion against that of the Executive of the State, it will be necessary to refer to some authorities in support of their position.

In the trial of Thomas W. Dorr, of Rhode Island, for treason, in eighteen hundred and forty-four, the doctrine in regard to this question is clearly and forcibly stated by the Supreme Court of that State. Chief Justice Durfee, in delivering the charge to the jury, says:

"Courts and juries, gentlemen, do not count votes to determine whether a Constitution has been adopted or a Governor elected, or not. Courts take notice, without proof offered from the bar, what the Constitution is or was, and who is or was the Governor of their own State. It belongs to the Legislature to exercise this high duty. It is the Legislature which, in the exercise of its delegated sovereignty, counts the votes, de-

clares whether a Constitution be adopted, or a Governor elected, or not, and we cannot revise and reverse their acts in this particular without usurping their power. Were the votes on the adoption of our present Constitution now offered here to prove that it was or was not adopted, or those given for the Governor under it, to prove that he was or was not elected, we could not receive the evidence ourselves—we could not permit it to pass to the jury. And why not? Because, if we did so, we should cease to be a mere judicial, and become a political tribunal, with the whole sovereignty in our hands. Neither the people nor the Legislature would be sovereign. We should be sovereign, or you would be sovereign, and we should deal out to parties litigant here at our bar, sovereignty to this or that, according to rules or laws of our own making, and heretofore unknown in our Courts.

“In what condition would this country be, if appeals could be thus taken to Courts and juries? *This* jury might decide one way, and *that* another, and the sovereignty might be found here to-day, and there to-morrow. Sovereignty is above Courts or juries, and the creature cannot sit in judgment upon its creator.”

This opinion is referred to with approbation by the Supreme Court of the United States in *Luther vs. Borden et al.*, (1 Howard, p. 1.)

This case also arose out of the difficulties in Rhode Island, commonly called the Dorr Rebellion. The action was trespass, and the defendants justified upon the ground that they were acting by command of superior officers, in the military service of the State, in pursuance of law, when they committed the acts constituting the alleged trespass. The existence and authority of the Government of Rhode Island, under which the defendants acted, were called in question, and the whole theory of our American system of government was thoroughly discussed before the Supreme Court, by Webster and other distinguished constitutional lawyers. Chief Justice Taney delivered the opinion of the Court affirming the judgment of the Circuit Court, (Judge Storey.) On the point under consideration, the Court says:

“Certainly, the question which the plaintiff proposed to raise by the testimony he offered, has not heretofore been recognized as a judicial one in any of the State Courts. In forming the Constitutions of the different States, after the Declaration of Independence, and in the various changes and alterations which have since been made, the political department has always determined whether the proposed Constitution, or amendments, was ratified or not by the people of the State, and the judicial power has followed its decision. In Rhode Island, the question has been directly decided. Prosecutions were there instituted against some of the persons who had been active in the forcible opposition to the old Government. And in more than one of the cases, evidence was offered on the part of the defence similar to the testimony offered in the Circuit Court, and for the same purpose; that is, for the purpose of showing that the proposed Constitution had been adopted by the people of Rhode Island, and had, therefore, become the established Government, and, consequently, that the parties accused were doing nothing more than their duty in endeavoring to support it.

“But the Court uniformly held that the inquiry proposed to be made belonged to the political power, and not to the judicial; that it rested with the political power to decide whether the Charter Government had been displaced or not; and when that decision was made, the Judicial

Department would be bound to take notice of it as the paramount law of the State, without the aid of oral evidence or the examination of witnesses; that, according to the laws and institutions of Rhode Island, no such change had been recognized by the political power."

Justice Woodbury, who concurs with the Court on this point, is, if possible, still more explicit as to these political questions being above and beyond the jurisdiction of the Courts. He says:

"But fortunately for our freedom from political excitements in judicial duties, this Court can never, with propriety, be called on officially to be the umpire in questions merely political. The adjustment of these questions belongs to the people and their political representatives, either in the State or General Government."

Again:

"Our power begins after theirs ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is the law '*Jus dicere*,' we speak or construe what is the Constitution after both are made, but we make, or revise, or control, neither. The disputed rights beneath Constitutions already made, are to be governed by precedents, by sound legal principles, by positive legislation, clear contracts, moral duties, and fixed rules; they are, *per se*, questions of law, and are well suited to the education and habits of the bench. But the other disputed points in making Constitutions, depending often, as before shown, on policy, inclination, popular resolves, and popular will, and arising not in respect to private rights, not what is *meum* and *teum*, but in relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a people bred in the school of Sydney and Russell, for them ever to intrust their final decisions, when disputed, to a class of men who are so far removed from them as the judiciary, a class, also, who might decide them erroneously, as well as right; and if in the former way, the consequences might not be able to be averted except by a revolution, while a wrong decision by a political forum can often be peacefully corrected, by new elections or instructions, in a single month.

"And if the people, in the distribution of powers under the Constitution, should ever think of making Judges supreme arbiters in political controversies, when not selected by, nor frequently amenable to them, nor at liberty to follow such various considerations in their judgments as belong to mere political questions, they will dethrone themselves and lose one of their own invaluable birthrights, building up in this way, slowly but surely, a new sovereign power in the republic, in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than the worst elective oligarchy in the worst of times."

Further:

"Whether what are published and acted on as the laws and Constitution of the State were made by persons duly chosen or not, were enrolled and read according to certain parliamentary rules, or not, were in truth voted for by a majority, or two thirds; these, and several other questions

equally debateable and difficult in their solution, are in some aspects, a shade less political. But they are still political. They are too near all the great fundamental principles in government, and are too momentous ever to have been intrusted by our jealous fathers to a body of men like Judges.

Looking to all these considerations, it appears to me that we cannot rightfully settle these grave political questions, which in this case have been discussed in connection with the new Constitution; and as Judges, our duty is to take for a guide the decisions made on them by the proper political powers, and, whether right or wrong according to our private opinions, enforce it till duly altered.

But it is not necessary to rest this conclusion on reasoning alone. Several precedents in this Court, as well as in England, show the propriety of it."

Justice Woodbury here cites numerous authorities, but it is deemed unnecessary to follow the subject further, for it must be clear that the question of forming, altering, or amending, Constitutions, is purely a political one, with which, in the nature of things, the Courts cannot interfere. This being established, the danger of a disagreement between the different departments is removed, and confusion and anarchy thereby avoided.

The political power rests with the people and their representatives, and they have both fully and thoroughly decided the question regarding the Amendments to our Constitution—the supreme executive power of the State also concurring in such decision. The last Legislature possessed equal power with the present to decide this question; the Amendments were legitimately before it, and by each House agreed to with great unanimity; they received the certificate or approval of the Governor; the Act passed by that Legislature, submitting them to the people, also received the sanction of the Executive, and he carried out its provisions, and has proclaimed the result—that the people, by their votes, approved and ratified such Amendments. Yet we are now asked to inquire into the regularity of the whole proceedings, and to decide whether said Amendments are really a part of the Constitution.

The Committee are of the opinion that the Amendments submitted to, and approved and ratified by the people, (a correct copy of which is published in the statutes of eighteen hundred and sixty-two,) have become part of the Constitution, and that it is too late now to inquire into supposed discrepancies or errors in the publication of eighteen hundred and sixty-one.

If the question were an open one, however, the Committee would say that they have not found such discrepancies between the Amendments as proposed by the Legislature of eighteen hundred and sixty-one, (the journals being the guide,) and the same as agreed to by the Legislature of eighteen hundred and sixty-two, as to effect their validity, or be entitled to any serious consideration. As before stated, they are merely clerical, and do not touch the substance of the Amendments.

The provisions of the Constitution in regard to the publication of the Amendments, between the session of the Legislature at which they are proposed and that at which they are agreed to and submitted to the people, must be considered as directory, and not mandatory. The Constitution does not say how the publication shall be made, nor by whom, nor is any evidence of the publication to be preserved. The Legisla-

ture cannot perform the publication; and suppose the officer or person employed or directed to do it should neglect it, or publish the Amendments one week less than three months, or should, if published in a newspaper, omit a few lines or words in some of the issues or editions, or should add a few lines or words in some, or all, or from some accident—such as the destruction of the newspaper establishment, the unavoidable suspension of the publication of the paper, or from numerous causes that may be imagined—the publication should not be completed; will any one seriously claim that in such case Constitutional Amendments, which have received the sanction of two successive Legislatures, and been approved by the people according to the forms of law, are thereby defeated? If so, then the Legislature and the lawfully expressed will of the people may be thwarted at any time by some clerk in one of the departments, by the publisher of a newspaper, or by mere accident.

In some of the Constitutions of other States, a mode of publishing Amendments, when proposed, is prescribed; in others not, as is ours. For instance, in that of Rhode Island, in addition to newspaper publication, printed copies of the proposed Amendments, with the names of all the members voting thereon, are to be sent to each Town and City Clerk in the State, who is required to read them to the electors at the polls at the time of electing members of the Legislature.

If the provision in our Constitution is mandatory, it must be the same in that of Rhode Island; and, in that case, it would be necessary, not only that the newspaper should publish the amendments correctly, but that every Town and City Clerk should read them to the electors at the polls, without omitting a sentence or word, or the name of any member of the preceding Legislature voting on such proposed amendments.

But this publication is intended merely for information, and, when the people are informed on the subject, the object of the requirement is accomplished; and whether a certain newspaper published a copy containing errors, or not, is quite immaterial. In this case, the best evidence the people were informed on the subject, and that due publication was made, is the action of their representatives at the last session, and the more recent approval and ratification of such action by the people themselves.

According to the view the Committee have taken, it is altogether fruitless to pursue this subject further. They are clearly of the opinion that the Amendments as agreed to by the last Legislature, and approved and ratified by the people, as already shown, are a part of the Constitution of this State. In order, however, that no further doubt may exist in regard to a matter concerning the fundamental law of the State, it may be well for the Legislature to place on record a declaration that said Amendments are a part of the Constitution. For this purpose the Committee have prepared a concurrent resolution, and recommend its adoption.

All of which is respectfully submitted.

VAN DYKE,
Chairman.

I agree in the conclusion of the report.

J. G. McCULLOUGH.

Be it Resolved, by the Senate and Assembly of the State of California, that certain Amendments to the Constitution, proposed by the Legislature of eighteen hundred and sixty-one, agreed to by the Legislature of eighteen hundred and sixty-two, and approved and ratified by a majority of the electors qualified to vote for members of the Legislature voting thereon, at the general election held the third day of September, eighteen hundred and sixty-two, which said Amendments are spread at large upon the journals of the Senate and Assembly of eighteen hundred and sixty-two, a true enrolled copy being filed in the office of the Secretary of State the same year, and published with the laws of eighteen hundred and sixty-two, are a part of the Constitution of this State.

STATE OF CALIFORNIA, }
 Department of State. }

I, William H. Weeks, Secretary of State of the State of California, do hereby certify that the annexed is a true, full, and correct copy of an original Proclamation of the Governor, filed November fourth, A. D. eighteen hundred and sixty-two, and now on file in my office.



Witness my hand and the great seal of the State, at office, in Sacramento, California, the twenty-sixth day of January, A. D. eighteen hundred and sixty-three

WM. H. WEEKS,
 Secretary of State.

By A. A. H. TUTTLE, Deputy.

PROCLAMATION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, November 4th, 1862. }

Notice is hereby given, that at the general election held on the third day of September, A. D. eighteen hundred and sixty-two, certain Amendments to the Constitution of the State of California were submitted to the qualified voters of the State, for their ratification or rejection, under the provisions of an Act entitled "an Act to provide for the submission of the proposed Amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the votes of the qualified electors at the next general election," approved April twenty-fifth, eighteen hundred and sixty-two, by having printed or written on the ballots the following words prescribed by me:

Amendments to Article Four (4) of the Constitution—Yes.
Amendments to Article Four (4) of the Constitution—No.
Amendments to Article Five (5) of the Constitution—Yes.
Amendments to Article Five (5) of the Constitution—No.
Amendments to Article Six (6) of the Constitution—Yes.
Amendments to Article Six (6) of the Constitution—No.
Amendments to Article Nine (9) of the Constitution—Yes.
Amendments to Article Nine (9) of the Constitution—No.

And whereas, it is certified to me by the Secretary of State that a majority of all the ballots cast at said general election was in favor of

Amendments to Article Four (4) of the Constitution—Yes.
Amendments to Article Five (5) of the Constitution—Yes.
Amendments to Article Six (6) of the Constitution—Yes.
Amendments to Article Nine (9) of the Constitution—Yes.

Now, therefore, by virtue of the authority vested in me by said Act, I do hereby make proclamation to all to whom it may concern, that a majority of all the votes cast upon the question of such Amendments, at the general election held on the third day of September, A. D. eighteen

hundred and sixty-two, is in favor of such Amendments as a part of the Constitution of the State.



In testimony whereof, I have hereunto set my hand, and caused the great seal of the State of California to be affixed, at Sacramento, the day and year first above written,

LELAND STANFORD,
Governor of California.

By the Governor:
WILLIAM H. WEEKS, Secretary of State.

STATE OF CALIFORNIA, }
Department of State. }

I, William H. Weeks, Secretary of State, do hereby certify the following to be a full, true, and correct abstract of the votes cast at a general election held in said State, on the third day of September, A. D. eighteen hundred and sixty-two, for and against certain proposed Amendments to the Constitution:

Number of Article.	Yes.	No.
Article Four.....	60,833	10,913
Article Five.....	59,406	11,777
Article Six.....	61,389	10,874
Article Nine.....	61,435	10,634

As appears by the election returns now on file in this department



Witness my hand, and the great seal of State, at Sacramento, California, this twenty-sixth day of January, A. D. eighteen hundred and sixty-three.

WILLIAM H. WEEKS,
Secretary of State.

By A. A. H. TUTTLE, Deputy.





REPORT OF THE COMMISSIONER
OF THE
WAR DEBT OF CALIFORNIA.

SAMUEL B. SMITH, WAR BOND COMMISSIONER.

.....
BENJ. P. AVERY.....STATE PRINTER.

REPORT.

NEW YORK,
July 27th, 1862. }

To His Excellency,
LELAND STANFORD,
Governor of California :

SIR :—In accordance with the requirements of the law, I respectfully submit to you this report, showing the settlement made by the Commissioners of the California War Debt with the proper United States authorities, of claims due to the State of California for expenses incurred in the suppression of Indian hostilities, under the Act of Congress of March second, eighteen hundred and sixty-one.

COPY OF UNITED STATES AUDITOR'S AWARD.

What Years.	Names of Expeditions.	Amount allowed by California.....	Amount allowed by United States.....	Amount disallowed by United States.....
1854.....	Shasta Expedition.....	\$4,068 64	\$1,261 38	\$2,807 26
1855.....	Siskiyou Expedition.....	14,036 36	6,146 60	7,889 76
1855.....	Klamath and Humboldt Expedition.	99,096 65	61,537 48	37,559 17
1855.....	San Bernardino Expedition.....	817 03	419 99	397 04
1856.....	Klamath Expedition.....	6,190 07*	2,952 77	3,237 30
1856.....	Modoc Expedition.....	188,324 22	80,436 72	107,887 50
1856.....	Tulare Expedition.....	12,732 23	3,647 25	9,084 98
1858 & 1859..	Klamath and Humboldt Expedition.....	52,184 45*	31,823 94	20,360 51
1859.....	Pitt River Expedition.....	72,156 09*	41,761 54	30,394 55
Totals.....	.....	\$149,605 74	\$229,987 67	\$219,618 07

* Cash.

As a part, also, of this report, I forward to the State Treasurer a book prepared by Mr. Phelan, Clerk of the Commission, duly certified by him to be a true copy of the settlement in all its details, which will show the specific amount allowed by the General Government on each voucher or claim, and which will serve as a perfect guide to the State Treasurer in disbursing the moneys to be allowed to parties presenting bonds to him for payment. You will, of course, notice the various claims have been very considerably reduced by the award; this was unavoidable, seeing that the allowances, as originally made by the State, were fixed without reference to the United States laws, and the law of Congress making the appropriation required that the settlement should be made as near as possible in strict accordance with the United States rules and regulations. (Vide Act of Congress of March second, eighteen hundred and sixty-one, section two.)

The settlement herewith reported should henceforth serve as a guide to be always consulted when future appropriations are asked for (for the payment of expenses incurred in the suppression of Indian hostilities) as it may be taken for certain that no higher rates of payment will be allowed by the General Government. It is of course known to your Excellency that the late Governor, Hon. John G. Downey, undertook to declare my office, as Commissioner, vacant, and commissioned Mr. B. Nordheimer as my successor. I had been engaged in the City of Washington some three weeks or more in the performance of my duties when Mr. Nordheimer arrived there and notified me of his appointment. I refused to recognize him as my successor, and so advised Governor Downey. I also informed Mr. Atkinson, United States Third Auditor, of all the facts in the case. Subsequently, Mr. Atkinson having notified me that he would not go behind Governor Downey's commission, General Denver and myself filed with him all the original vouchers for settlement.

The unwarrantable interference of Governor Downey has cost the State and the bond holders many months of delay. Nearly all that the Commissioners could do towards effecting a settlement had been done by General Denver and myself before the arrival of Mr. Nordheimer. We had obtained from the Secretary of War a letter to the Third Auditor, stating, substantially, that he was satisfied of the necessity existing for calling out the various expeditions in the State of California, (see Act of Congress, March second, eighteen hundred and sixty-one, section twenty-four,) instructing him to audit the accounts of the State. All the work that could be done thereafter was merely clerical, which Mr. Phelan stood ready to perform. All that has been done since has been done by him, the whole matter resting in the office of the Third Auditor. The collision between the claims of Mr. Nordheimer and myself produced a delay of several weeks in filing the vouchers. If this had not occurred, I am satisfied the whole matter could have been settled before the first of November, the date of filing the vouchers, as the Government manifested a strong disposition to have the matter closed before General Denver would be required to take the field, (he having been appointed Brigadier-General in the United States service.) I will only add that the entire clerical labor connected with the settlement, which has been very heavy, has been performed by Mr. Phelan, and that his services have been of great value to the State.

Very respectfully, your obedient servant,

SAMUEL B. SMITH,

Commissioner of the California War Debt.

SECOND ANNUAL REPORT

OF THE

Trustees of the State Library,

FOR

THE YEAR 1862.

.....
BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT.

SACRAMENTO,
December 15th, 1862. }

TO THE LEGISLATURE OF THE STATE OF CALIFORNIA :

We have the honor to present to the Legislature the following report of the present condition of the Library, and of the transactions relating to it during the past year.

Respectfully submitted.

LELAND STANFORD,
STEPHEN J. FIELD,
J. W. WINANS,
S. HEYDENFELDT,
JOHN F. MORSE,
Trustees State Library.

REPORT.

The number of books now in the Library is twenty-two thousand two hundred and seventy-eight, of which eight thousand seven hundred and eighty-two are duplicates.

The number of volumes registered is thirteen thousand four hundred and ninety-six, of which six thousand five hundred and ninety-two are in the law department, and six thousand nine hundred and four are in the miscellaneous department.

The number of books added to the Library during the past year is one thousand four hundred and forty-six, of which one thousand three hundred and eleven were purchased, and one hundred and thirty-five were received by gift or exchange.

The following is a list of the books received from other States, and from individuals :

Donor.	Title.	Date.
Connecticut.....	Connecticut Reports, Volume 29.....	
	Legislative Documents	1862
	Senate Journal and House Journal.....	1862
	Public Acts, 3 pamphlets	1861—1862
	Private Acts, 2 pamphlets.....	1862
Illinois.....	Illinois Reports, Volumes 23, 24, 25, 26.....	
	Senate and House Journal.....	1861
	Legislative Reports.....	1861
	Public Laws.....	1861
	Private Laws.....	1861
Iowa.. ..	Report of Adjutant-General.....	1861
Kentucky.....	Acts, called Session.....	1861
	May Session... ..	1861
	Auditor's Report, 2 pamphlets.....	1860
	Common School Report, 2 pamphlets.....	

Donor.	Title.	Date.
Maine	Maine Reports, Volume 46.....	
	Legislative Documents, 2 volumes.....	1861
	Acts and Resolves, 1 pamphlet.....	1861
	Agricultural Reports, 2 copies.....	1860
Maryland.....	House and Senate Documents.....	1861
	Senate Journal.....	1861
	Laws.....	1861
	House Journal, and Documents.....	1861—1862
	Senate Journal, and Documents	1861—1862
	Laws.....	1861—1862
Massachusetts....	Maryland Reports, Volumes 17, 18.....	
	Auditor's Report, 1 pamphlet	1860
	Public Documents, 3 volumes	1861
	Special Laws, Volume 9, (2 copies).....	
	Acts and Resolves, 3 copies.....	1861
	Allen's Reports, Volume 1.....	
Missouri	Plymouth Colony Records, Volume 2.....	
	Missouri Reports, Volumes 30, 31.....	
Michigan.....	Michigan Reports, Volumes 8, 9.....	
	Laws	1861
	Laws.....	1862
Minnesota	Minnesota Reports, Volume 4... ..	
	Executive Documents.....	1861
	Report of State Librarian. 1 pamphlet.....	1861
	Report of Commissioner Statistics, 1 pamphlet	1860—1861
New Hampshire..	New Hampshire Reports, Volumes 41, 42..	
	Senate and House Journals, 2 copies.....	1861
	Laws, 3 pamphlets.....	1861
	Laws, 3 pamphlets.....	1862
	Board of Education Report, 3 pamphlets..	1861
New Jersey.....	Appendix to House Minutes.....	1861
	Legislative Documents.....	1862
New York.....	Barbour's Reports, Volumes 32, 33, 34.....	
	Catalogue of Library, first Supplement....	1861
	Assembly Documents, 6 volumes.....	1861
	Senate Documents, 2 volumes.....	1861
	Senate Journal, 1 volume.....	1861
	Document relating to Colonial History, General Index.....	
	Natural History of New York, Part 6, Volume 3.....	

Donor.	Title.	Date.
New York.....	Natural History of New York, Part 6, Plates.....	
	Journals of Legislative Council, Volume 2.	
	Laws, 2 copies.....	1862
	Report of Trustees of the State Library, 1 pamphlet.....	1862
Nebraska.....	Council Journal, 1 pamphlet.....	1861—1862
	House Journal, 1 pamphlet.....	
	Laws, 1 pamphlet.....	
Nevada.....	Laws.....	1862
	Journal of Council and House.....	
Ohio.....	Agricultural Report	1860
	Military Regulations, Statutes, and Tactics	
	Message of Governor, pamphlet.....	1862
	State Library Report, pamphlet.....	1861
Oregon.....	Oregon Reports, Volume 1.....	
Pennsylvania	Pennsylvania State Reports, Volume 39....	
	Laws, 2 copies.....	1861
Rhode Island.....	Rhode Island Reports, Volume 6.....	
	Colonial Records, Volume 7.....	
	Acts and Resolves, January Session, 1 pam- phlet.....	1862
	Acts and Resolves, May Session, 1 pamphlet	1862
Vermont.....	Vermont Reports, Volumes 32, 33.....	
	Geological Survey, 2 volumes.....	
	House Journals.....	1861
	Senate Journals.....	1861
	Laws.....	1861
	Report of Railroad Commissioners, 2 pam- phlets.....	1861
	Report of Railroad Commissioners, 1 pam- phlet.....	1862
	Report of Auditors, 2 pamphlets.....	1861
	Report of Auditors, 1 pamphlet.....	1862
	Report of Board of Education, 2 pamphlets	1861—1862
	Message of Governor, 1 pamphlet.....	1862
	Directory of Senate and House, 2 pamphlets	1861—1862
Virginia.....	Acts.....	1862
Wisconsin.....	Wisconsin Reports, Volume 12.....	
	Geological Survey, Volume 1.....	
Kansas.....	Laws, 2 copies.....	1861

Donors.	Title.	Date.
United States.....	Official Register..... Executive Documents, Volume 10, part 1, 2 copies..... Laws of Congress, 70 pamphlets..... Exploring Expedition Atlas, to Volume 12	1861 1854—1859 1861—1862
Smithsonian Institute.....	Dublin Quarterly Journal of Science, Num- bers 2, 3, 4, 5—4 pamphlets..... Smithsonian Miscellaneous Collection, 4 vol- umes..... Meteorological Observations, Volume 1.....	1854—1859
Franklin Institute, Philadel- phia	Catalogue of Books of Library, 1 pamphlet Journal of the Institute, Volume 72, Num- ber 431, 1 pamphlet.....	
Mercantile Librar- y Association, of New York...	Catalogue of Books of Library..... New York in the American Revolution, 1 volume, 34 pamphlets.....	
Albany Evening Journal	Evening Journal Almanac, 5 pamphlets.....	1858—1862
Latham, Hon. M. S.....	Congressional Globe, 2 volumes..... Congressional Globe, 4 volumes..... Congressional Globe, 2 volumes..... Patent Office Reports..... Art of War in Europe, 1 volume.....	1858—1859 1859—1860 1860—1861 1860
Bartud, S. L. M...	Trial of the Officers of the Crew of the Sa- vannah	
Barnes, W.....	New York Insurance Report, 2 copies.....	1862
Field, Hon. S. J...	Draft of the civil Code of the State of New York	
	Book of Forms, adapted to the Code of Procedure of the State of New York....	

The amount of money paid into the Library Fund, and the disbursements, are as follows :

Received and Disbursed.	Amount.
Balance in the Treasury at the date of last year's	
Report.....	\$2,355 28
Paid in by members of the Legislature.....	600 00
Fees collected and paid in by the Secretary of State	4,650 00
Fees collected for military commissions.....	1,250 00
Total paid in.....	\$8,855 28
Paid out for books.....	\$4,173 97
Paid for fitting up new rooms for Library	1,033 08
Paid insurance for Library.....	365 50
Paid rent extra room.....	350 00
Paid for repairing and binding books.....	864 85
Paid for freight on books.....	14 50
Paid for Sacramento Union, for one year.....	16 00
Total paid out.....	6,817 90
Balance on hand.....	2,037 38
	\$8,855 28

Since the report of the Trustees made to the Legislature at its last session, the Library has sustained some injury in consequence of the floods of last January. The injury was, under the circumstances, unavoidable.

Two Committees of the Legislature, one from each House, after an investigation of the circumstances, exonerated the Librarian from all blame.

The Librarian was directed by the Trustees to have such of the books as could not be replaced at small cost, repaired in a substantial manner. It was at first thought that many of the books could be repaired without removing the covers; but it was found that it would be necessary for their preservation to have the covers taken off and the books rebound.

The whole number re-bound is seven hundred and fifty, and the cost of binding, seven hundred and sixty dollars and eighty-five cents, (\$760 85.) A large proportion of them were folios and quartos, which it was necessary to have well bound. The books are now in good condition. About four hundred volumes were slightly injured; these were repaired in the Library, at a cost of one hundred and four dollars, (\$104.)

We have in the Library one hundred and twenty-five damaged books, which have been replaced by new purchases, and they are now ready for sale.

The Trustees have procured for the Miscellaneous Library, an upper room, adjoining the Law Library, the rent of which is fifty dollars (\$50) per month, and, as the Legislature made no appropriation to meet the

expense, it has been paid out of the Library Fund. Although taking from the Library Fund a considerable amount for rent and fitting them up, it was absolutely necessary to procure upper rooms for the Miscellaneous Library. Had the books remained in the lower room they would now have been worthless.

The Library is now in a good condition. The books purchased the past year are valuable, and a great acquisition. After receiving all the books ordered, the Law Library will be one of the best in the United States.

When the present Board of Trustees came into office, there was not a full set of the Reports of any State in the Union; but notwithstanding the great difficulty of procuring odd volumes of Reports, we have now complete sets of nearly every State. Measures have been taken to procure the volumes that are yet wanting to complete the sets of all the State Reports.

LELAND STANFORD,	} Trustees.
STEPHEN J. FIELD,	
J. W. WINANS,	
S. HEYDENFELDT,	
JOHN F. MORSE.	

REPORT OF SUB-COMMITTEE

OF THE COMMITTEE ON

MINES AND MINING INTERESTS,

OF THE SENATE,

CONCERNING THE STATE GEOLOGICAL SURVEY.

.....
BENJ. P. AVERY.....STATE PRINTER.

REPORT.

To the Chairman of the Committee on Mines and Mining Interests, of the Senate :

SIR :—The sub-committee, appointed by authority of the Senate to examine and report upon the progress made in the Geological Survey of the State, have discharged that duty as thoroughly as the limited time (one day) which your Committee felt at liberty to absent themselves from their seats in the Senate would permit, and beg leave to make the following report :

The first section of the Act of the Legislature of eighteen hundred and sixty, creating the office of State Geologist, makes it the duty of the State Geologist “to make an accurate and complete geological survey of the State, to furnish in his report of the same proper maps and diagrams thereof, with a full and scientific description of the rock, fossils, soils, and minerals, and of its botanical and zoological productions, together with specimens of the same.” The magnitude of the work imposed upon the State Geologist by this Act, and the length of time required to collect and classify plants, rock, fossils, and minerals, so as to render the work of scientific or practical value, must be either imperfectly understood or entirely overlooked by those who complain that no practical good has yet been realized. The vast area of our State, embracing within its limits nearly one hundred and ninety thousand square miles, a territory larger than the State of New York, with the whole of New England added to it, possessing every variety of climate, and producing bountifully the fruits of the tropics, and the grains and grasses of the more temperate latitudes ; and underlying a large portion of this territory, are vast beds of minerals, comprising gold, silver, cinnabar, copper, coal, etc., all of which are to be examined, classified and described, with such accuracy and care as to develop important truths, and withstand the best of the severest scientific criticism ; and when we add to this the fact that many of the phenomena and formations on this side of the continent are entirely new, and untouched by former scientific investigations, the work of the State Geologist under the Act above referred to, seems to be one requiring a lifetime, rather than months, or even years, for its performance. The Legislature of last year, in addition to the appropriation of fifteen thousand dollars for the prosecution of the Survey, appropriated the sum of three thousand dollars to defray the expenses of publishing and engraving the first volume of the Geological History of the State ; but from

the lack of money in the State Treasury to meet such appropriations, the volume has not been published, although the matter is prepared, and the plates ready to be handed over to the publisher and engravers when there is money in the Treasury of the State to pay the cost of publication.

A general exploration has been made of about three fourths of the entire State, sufficient to acquire a general knowledge of its physical formation, general productions, and mineral resources and wealth; and a thorough and minute survey has been made of that portion of the State adjacent to the Bay of San Francisco, including the Counties of Santa Clara, Alameda, Contra Costa, Marin, Napa, Sonoma, San Mateo, and San Francisco. The first volume, which is now ready for publication, will contain a complete and accurate topographical and geological map of the section of the State above named, on a scale of six miles to the inch, together with a full description of the Mount Diablo coal region, and such general results as can be published before a minute survey of the State is completed.

The department of the Survey embracing the Agricultural resources and Botany of the State, is under the charge of Professor Brewer, who has made a collection of over fifteen thousand plants, useful and curious, which collection contains over two thousand distinct varieties or species, all of which are in an admirable state of preservation, and as many of them are confined exclusively to this coast, will be of incalculable value in compiling a text book on Botany for use in the schools of the State.

In the department of Zoology but little has been done during the last year, and that little was done by Dr. Cooper, without compensation. Several thousand specimens of animals have been collected, varying from the lowest in rank up to the most highly organized, "from the humblest polyp to the most perfect vertebrate." In this department there is also a beautiful collection of shells, which have a very important bearing on the Geology of the State.

In the department of General Geology and Palæontology there are many rare and curious fossils, some of them of mammoth size, and of animals and fishes long since extinct; but as this department is suggestive only to those of scientific attainments, we do not deem it expedient to dwell upon it at length in this report.

The department of Metallurgy includes everything relating to the separation of metals from the ores in which they are found, and since the recent and extensive discoveries of silver ore has become one of great importance, the want of a proper laboratory in which to analyze and experiment on ores is seriously felt, and one which interferes materially with the usefulness of this department.

Were it possible to provide a suitable laboratory, in which newly discovered ores could be tested, and the cost of separating their metals estimated by a competent and disinterested metallurgist, much delay, trouble and expense, might be saved to discoverers anxious to know the truth. By making an appropriation of six thousand dollars, besides the salary of the State Geologist—six thousand more—making a total appropriation of twelve thousand dollars, Professor Whitney thinks the work may be prosecuted for another year, although a larger sum could be used with greater proportionate advantage to the State. And your committee recommend that the sum of twelve thousand dollars be appropriated for this purpose.

In recommending the foregoing appropriation, your committee have not been unmindful of the embarrassed condition of the Treasury, and the increase of taxation required to place our State finances on a cash

basis; but they have also borne in mind that if this work is suspended now, the State will, in a great measure, lose the benefit of the labor already performed. In reducing the appropriation to twelve thousand dollars, it will be necessary to curtail the present plan of the State Geologist, and dispense with at least one of his assistants; but the expenditure of that sum during the next year, will prevent this work, so conducive to the general interests of the State and the advancement of science, from being wholly discontinued.

All of which is respectfully submitted.

GEO. OULTON.
F. B. HIGGINS.





REPORT OF SUB-COMMITTEE

OF THE COMMITTEE ON

MINES AND MINING INTERESTS,

OF THE ASSEMBLY,

CONCERNING THE STATE GEOLOGICAL SURVEY.

.....
BENJ. P. AVERY.....STATE PRINTER.



MEMORIAL

WHEREAS, Congress has levied a tax of five cents per gallon on all wine made in the United States; and,

WHEREAS, the value of must, (or wine fresh from the press,) does not exceed fifteen cents per gallon in the largest wine-making district of this State, thus making the tax on the wine three hundred per cent more than that on manufactured articles generally; and,

WHEREAS, the unequal, and consequently, unjust taxation, is levied chiefly at the expense of California, which is now the first wine-making State in the Union, and will next year produce more than all the other States; and,

WHEREAS, this tax is not only very unjust, but in many cases almost ruinous to the producer, and must have been adopted in misapprehension of the facts; therefore,

Resolved, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be requested to lay the facts stated in the preceding preamble before that body, and urge a reduction of the tax on wine to the same rate with that on manufactured articles generally; and, be it further

Resolved, That the Governor be requested to furnish a copy of these resolutions to each of our Senators and Representatives in Congress.

REPORT

To the Chairman of the Committee on Mines and Mining Interests, of the Assembly :

The sub-committee appointed by authority of the Assembly, with instructions to visit the State Geologist, at San Francisco, to inquire into the amount of labor done, and the advisability of making further appropriations for the continuation of the survey, obeyed their instructions, and now respectfully report.

California is a very large State, and contains an area greater probably than was ever given to one geological surveyor before. It is not only large, but it is new historically, and strange geologically, and considerable portions of it are almost desert and inaccessible. To make a minute survey, such as has been undertaken in many of the Eastern States, would be a work of many years.

Professor Whitney has commenced by making a reconnoissance, or superficial survey, over most of the ground, with careful investigations in those districts which are nearest San Francisco, or which appear to be of unusual interest or importance. The office was created in eighteen hundred and sixty, and he has now been at work more than two years, in which time he has completed his reconnoissance of about three fourths of the State, and has prepared one volume of his report for publication. The last Legislature appropriated three thousand dollars to publish it, but the money is not in the Treasury. In another year he will have completed his reconnoissance, and will have completed his report of that portion of his work.

Your sub-committee is of the opinion that the money so far spent has not been wasted, and that sound policy requires that the superficial survey, at least, should be completed and the report published.

During the brief time allowed us it was impossible to inquire minutely into the labors of the Survey, but we were much interested, and expect that the reports will be of direct industrial value; particularly those portions relating to the Monte Diablo coal region, the modes practiced in this State for extracting gold from auriferous quartz, and the existence of extensive geological strata not previously discovered on our coast.

The Botanist of the Survey has devoted much attention to the grasses and clovers, and is now engaged in extensive inquiries to ascertain

what varieties of grasses are most palatable and nutritious to herbivorous animals, and those which have been found to thrive best, and produce most abundantly in climates and soils like our own. Too much encouragement cannot be given to studies like these.

The topographical department will be of much service by making maps more accurate than any we now have.

Your sub-committee is satisfied that there is abundant work of practical value, so important that the State never can be too poor to pay for it. But the survey is in charge of a man, than whom there are few more competent.

As confidence in the man is important, not only in the Legislature, but in the people who are called upon indirectly to assist him, we shall say a few words of him personally. He is eminent in his specialty. He was employed by the Federal Government to examine the Lake Superior copper and iron region; by the State of Wisconsin to report upon her lead mines; and by Iowa to make a survey of that State. He afterwards published a treatise on the Metallic Wealth of the United States; a work of high authority, and to obtain the facts published in it, he visited all the largest mines of twenty-three States. He has visited many of the mines of France, Germany, England, Sweden, Russia, and Italy. Few men are more competent, or have more reputation in this branch of science. Whether he should be continued after the reconnaissance shall be finished, is a question which will properly come within the jurisdiction of the next Legislature.

We recommend an appropriation of twenty thousand dollars for the coming year.

ROBERT B. TORRANCE,
S. MARTIN.

REPORT AND MEMORIAL

OF THE COMMITTEE ON THE

CULTURE OF THE GRAPE,

IN RESPONSE TO

A RESOLUTION OF THE ASSEMBLY.

BENJ. P. AVERY.....STATE PRINTER.

RESOLUTION OF INSTRUCTION.

Your Committee was instructed as to its duty by the following resolution, offered by Mr. Lux, of Tuolumne :

Resolved, That the Committee on the Culture of the Grape, be instructed to draw up a memorial embodying the facts, and interest, of this branch of industry to our State, and the Governor be authorized to forward the same to our Representatives at Washington.

REPORT.

We respectfully report now, that in accordance with our duties and the instructions of the Assembly, we have prepared the accompanying memorial; and, in the investigation of the subject, have ascertained the following facts:

NUMBER OF GRAPE VINES.

The number of grape vines set out in vineyards in the State, according to the reports of the County Assessors, as compiled in the Surveyor-General's report of eighteen hundred and sixty-two, is ten million five hundred and ninety-two thousand six hundred and eighty-eight.

The following principal wine counties have the number of vines set down against them respectively:

Counties.	No. of Vines.
Los Angeles.....	2,570,000
Sonoma.....	1,701,661
El Dorado.....	772,547
Yuba.....	650,450
Santa Clara.....	600,000
Napa.....	540,000
San Bernardino.....	500,000
Sacramento	412,000
Solano.....	400,000
Amador	311,000
Calaveras.....	300,000
San Joaquin.....	300,000
Yolo.....	234,000
Tulare	225,000
Tuolumne.....	197,300
Contra Costa.....	184,200
Placer	135,532
Santa Barbara.....	115,000

RATE AND INCREASE OF VINEYARDS.

The rate of increase in the number and size of vineyards in this State is large. All the vines of the State did not number one million, seven years ago.

Los Angeles, which had three times as many vines, in the time of the Mexican dominion, as all the other counties, had, in the year eighteen hundred and fifty-six, bearing vines to the number of five hundred and ninety-two thousand, and one hundred and thirty-four thousand young vines, as shown by the County Assessor's report of that year.

The annual increase in the State has been since then one million five hundred thousand, and though less hereafter, will still be large.

WINES.

The amount of wine made in eighteen hundred and sixty-one, is reported very incorrectly by the County Assessors, as amounting to three hundred and thirteen thousand gallons for this State. The amount made in eighteen hundred and sixty-two, was about seven hundred thousand gallons.

The total amount made in eighteen hundred and fifty-nine, according to the United States census report, was one million three hundred and fifty thousand gallons, and the same authority puts down California's yield for that year at four hundred and ninety-four thousand gallons, which is very nearly correct.

IMPORTANCE OF THIS BRANCH OF AGRICULTURE.

We say in our memorial that California will soon produce more wine than all the other States. Most of the vineyards of Los Angeles County have one thousand vines to the acre. In Sonoma County the number varies from six hundred and eighty to one thousand to the acre. The average number may be set down at nine hundred. The ten million five hundred thousand vines in the State would cover, at that rate, about eleven thousand five hundred acres. An acre of Californian vineyard, in full bearing, produces at least five hundred gallons of wine annually, and at that rate the eleven thousand five hundred acres would give five million seven hundred and fifty thousand gallons. Strike off, however, one third for wasted grapes and table consumption, and we have an annual balance of about three million seven hundred thousand gallons. The reason why the present produce falls so far below this figure is that most of our vines are still very young, and will not be in full bearing for some years to come.

ADAPTATION OF CALIFORNIA TO THE CULTURE OF THE GRAPE.

Our soil and climate are peculiarly adapted to the culture of the grape. In no other part of the world, perhaps, is the vine more thrifty, healthful, and productive, or more certain in its yield.

The three principal products of tillage in California are grapes, wheat, and barley.

Wine from grapes is produced in but few other places on the shore of the North Pacific, and has comparatively few fluctuations in price. Wheat and barley, on the other hand, can be grown everywhere, and undergo great fluctuations in price every year. Unlike the grape,

they exhaust the soil, and require a rotation of crops, for which our climate is not suited. Besides, there are large tracts of land in the Sacramento basin, between Tejon Pass and Shasta, almost bare of grass, and considered valueless for grain, that may produce good crops of grapes. At least vineyards have succeeded on similar lands, and the grapes which took the first premium at the last State Fair, were grown on such soil.

VALUE OF WINE, AND EXPENSE OF PREPARING IT FOR AND BRINGING IT INTO MARKET.

We say in the memorial that the value of must in the largest wine district of the State does not exceed fifteen cents per gallon. Hundreds of thousands of gallons could have been bought at twelve cents, during the last vintage, in the town of Los Angeles, which produces half of all the wine made in the State.

Grapes were sold at ten dollars per ton, and the material for a gallon of must cost only six cents. It may appear strange to the general public, that when must, from which the wine is made, by fermentation alone, without the addition of any foreign substance, costs only twelve cents, wine is sold for one dollar per gallon, and half a dollar per bottle, and the wine-grower still complains that his business is unprofitable. But there is a great distance, and many steps that separate the press from the glass. Ten per cent of must is lost by sediment and evaporation in the first year. Ten cents per gallon must be paid for casks, ten cents per gallon for shipping from Los Angeles to San Francisco, thirty cents per gallon for bottles; and, when put up, the wine ought to lie two or three years before sale, and the lapse of time, at one and a half per cent per month interest on money, subtracts considerably from the profits. The commission merchant, the jobber, the retailer, the common carrier, the money lender, the broker, the usurer, and middlemen of various kinds, each demanding a large profit, come between the producer and consumer, and oppress both.

THE PROPER STANDARD BY WHICH TO REGULATE THE TAX.

It might be said by those not well informed, that the proportion of the tax on wine is not to be estimated by the price of must, which is not taxed; but such an idea is erroneous. In general usage, must is wine; and in technical language must becomes wine in a few days by fermentation. The price of the must is the proper standard for estimating the proportion of the tax.

THE PRESENT NOT THE TIME TO DISCRIMINATE AGAINST WINE.

After our wine business shall have been well established by age—when all our wine-growers shall have provided themselves with presses and with cellars—when they shall have learned how best to manage their wine—when casks shall be abundant at prices such as those which prevail at Bordeaux—when we shall have driven foreign wine from the American market, and shall have commenced to export largely to foreign lands, and shall have our tried and trusted agents in many distant seaports—then we might bear a burden which now is oppressive.

RELATIVE CLAIMS OF DIFFERENT PRODUCTS TO EXEMPTION FROM TAXATION.

The productions of the country may be considered as composed of three classes under the Federal tax bill :

First—The agricultural products generally, which pay no tax ;

Second—Manufactures, which pay three per cent ; and,

Third—Fermented and distilled liquors—the former paying five, and the latter twenty cents per gallon.

Your committee do not see any good reason why wine should not be classed with other agricultural products, and entirely exempt like them from taxation. It is no more an article of luxury than many kinds of fruits and vegetables ; and it is now, in Southern Europe, and within a few years will be in California, a necessary of life.

IT IS IN STRICT LANGUAGE AN AGRICULTURAL PRODUCT.

The man who owns a large vineyard must make wine. He cannot store his grapes for months or years, or sell them to distant manufacturers. He must press them forthwith, and on his own premises.

The time is not far distant when wine will be used on many of our tables, instead of tea and coffee, and the taxation should discriminate for, not against the domestic beverage. While it is clear to us that wine should not be taxed at all, yet, rather than risk anything by asking what others might consider too much, we content ourselves with soliciting that wine may be placed on the same footing with manufactured articles.

REPORT

OF

Committee on State Hospitals,

CONCERNING

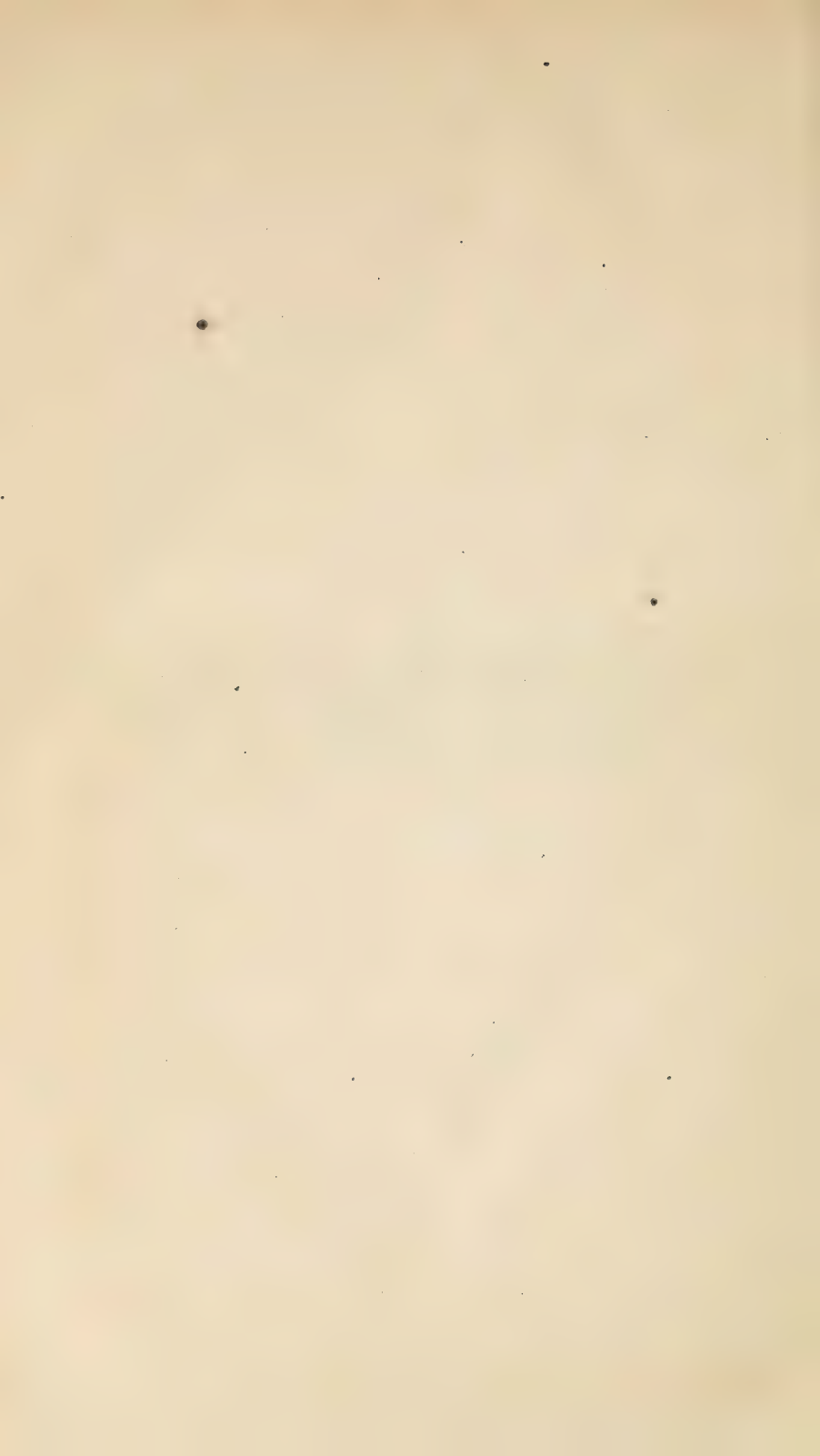
THE INSANE ASYLUM AT STOCKTON.

SENATE.

BENJ. P. AVERY.....STATE PRINTER.

Mr. PRESIDENT :—Your Committee on State Hospitals, on whom devolved the duty of visiting the Insane Asylum at Stockton, have attended to that duty, and most respectfully ask leave to submit the following report upon its condition, and the changes which, in our opinion, have become necessary, in order for the Institution to accomplish in any degree, the humane purpose for which it was established :

HATHAWAY, Chairman.



REPORT.

CONDITION OF THE ASYLUM.

The accommodation, care, and treatment of the patients, we find to be as good as the crowded condition of the Institution will admit of.

Every department of the Institution is cleanly and well ordered. The kindness and assiduity of the attendants was so manifest that if we could know that the treatment of patients was the same through the year as on the days we saw them, then we might be sure that nowhere do the insane receive better treatment than in California. We directed our attention to the question whether it is the same throughout the year, or was the Institution only glossed over and prepared to put the best side to the Committee?

This may be easily ascertained from that class of patients whose mental aberrations are but slight, or who are convalescent. This class so uniformly attested the careful treatment received from Physicians, Nurses, and employés, and so plainly manifested their attachment to them, as to leave no doubt on the minds of the committee that the Insane Asylum of California will vie with any one in the world, where the accommodations are as limited.

Your committee made a somewhat minute examination of the financial management of the Institution, and of the books of accounts, as well as the system on which the disbursements are made and accounted for, and in this department we can suggest no improvement. During the last year some improvements have been made, and for these the money has been well expended. The system of sewerage and drainage from the main building, suggested by the Resident Physician, has been finished, and has proved a complete success, amply justifying the expenditure; the whole amount of which is five thousand four hundred and forty-five dollars and forty-two cents (\$5,445 42.)

A laundry, thirty-two feet wide, fifty-four feet long, and two stories in height, has been nearly completed, and is a necessity, there being none sufficiently large to meet the wants of so great a number of patients.

Two small additions have been made to the "Mad Houses," which are places of confinement for raving maniacs, and in each of which is included a bathing room, a thing indispensable to an Insane Asylum, as well in regard to cleanliness as in point of medical treatment, it having been found

that bathing is very essential to the proper treatment of many cases of insanity; increased facilities for bathing have also been made in the main building.

The building erected in the airing court for a Gymnasium, in size thirty feet in width by one hundred and ninety feet in length, and roofed, although open on the sides, is of very great utility; affording a place of shelter to the patients from both rain and sun; this gives not only exercise, but amusement, and when not carried to excess, has a curative effect, it having been abundantly proved by experience in the Hospitals of Europe and America, that one of the best medicines for a large class of the insane is plenty of bodily exercise.

On the whole, the committee are of opinion that all is done, and well done, for the insane, which the limited condition of the Asylum will admit of; but there is a great amount of insanity in the State, and it seems to be on the increase—last year the number of patients being about four hundred and fifty, while this year the number is increased to about five hundred.

There are two hundred and fifty patients more than the Asylum has suitable accommodations for, a fact which requires but little comment, but demands a remedy. It is the opinion of the Resident Physician that there are now in our Asylum two hundred persons who, with proper means, might have been cured, but who are now beyond all hope of recovery.

The list of unfavorable cases amounts to three hundred and forty: of these, three hundred and eleven have been inmates of the Asylum for periods varying from one to nine years, and will most of them be found to be incurable. It no longer admits of a doubt that enlarged accommodations for insane persons in California must be afforded by the State. The patients should have more room, and an addition should be made to the building, or the Asylum will fail to answer the benevolent purpose of its creation. It is the rule in the Hospitals of the East to give the insane twice the room that the sane occupy in sleeping apartments; our Asylum has room for but two hundred and fifty patients, while it has now under treatment five hundred or over.

It would be a waste of time to go over the same reasons for making a change which were shown by the Special Committee of eighteen hundred and sixty-one, and which were reiterated by the Standing Committees of eighteen hundred and sixty-two, at which time there were about four hundred and fifty patients, instead of over five hundred, as is the case at present; those reasons exist with added force now. Should increased facilities be afforded for the cure of the insane in our Asylum, there is no reason why the per centage of cures in California should not be as great as in Massachusetts or elsewhere, but at present it is much less; and the committee, after a most deliberate and careful examination, have come to the conclusion that the main obstacle to the proper treatment of the insane in our Asylum, is the want of sufficient room and the facilities for out door exercise.

For more full particulars on all these subjects, we refer to the reports of the Trustees, the Treasurer, and the Resident Physician.

For the remedy of these deficiencies, your committee recommend the purchase of two blocks of land, one in front, the other in the rear of the present buildings, and the erection of a building containing suitable accommodations for two hundred patients, and that the female patients should all be removed into that building. Also, the erection of a suitable fence, either of wood or of brick, as the Trustees may deem

best, around the whole farm, now containing one hundred acres of as good farming land probably as can be found in the State.

We are of opinion that an expenditure of one hundred and fifty thousand dollars will be sufficient to make the improvements above suggested, if two years are allowed in which to complete them, for the reason that in the making of the brick, and in the construction of the building, much of the labor can be done by the patients (there being an abundance of good brick clay on the farm) without any injury to them, but rather a benefit.

In order for the State to make these improvements in the most economical manner, and to avail itself of the labor of the patients, it is indispensably necessary that the work should be under the control of the Directors and the Resident Physician.

In order to remove this Institution from political influences—and we deem such removal essential to its success—we recommend an entire change of the law in regard to the election of Physicians, and that the election be placed in the hands of the Directors and Medical Visitors, and we have already reported to the Senate a bill providing for such changes in the law as are necessary to secure that end. Physicians are better judges of the qualifications of men to fill important stations in an Insane Asylum than Legislators are; and if there should be any one officer whose election should be disconnected with the politics of the State, it is the Physician to the Insane Asylum.

We cannot close this report without adverting once more to the crowded and prison-like condition of our State Insane Asylum. It is a notorious fact, that unless the insane can be made to sleep well, they never recover. In our Asylum, so great is the want of room that about eighty beds are brought out every night into the halls, and there the patients are obliged to lodge, for want of sufficient sleeping apartments.

There are two other causes which prevent sleep: mosquitos and heat; the only remedy for the first is mosquito bars at the windows and doors, which will cost about three thousand dollars, (it being a well known fact that mosquito bars cannot be used around the beds of insane patients,) and this we recommend. The only remedy for the last, is the removal of the Asylum to some cooler place, which your committee do not now recommend.

It is far more expedient and far more indicative of a true and humane civilization, for us to tax ourselves to make a decent provision for the insane, and continue to legislate in the building where we now are, than it would be to let the insane remain cooped up in our prison-like Asylum, and tax the people of California to build an imposing State Capitol.

The first is due from those who are spared to those who are afflicted with that distressing malady—insanity. For the last there is no absolute need at the present time; the building in which we are legislating is sufficient for our wants. The stranger who should see the legislators of a State building a palace for themselves, while the insane are kept in a prison, would have to look for some evidence that its humanity was not pretence, and that its legislators were sane. It may be that the people are willing, in the present financial embarrassments of the State, to expend the money required for both objects; but if we can have but one, let us make decent provision for the insane, and build a new Capitol when we are better able.

In closing our report, your committee wish to give due credit to the efficient manner in which the Resident Physician, Dr. Tilden, and his Assistant, Dr. Clark, have attended to the many wants and duties of the

Asylum, and indorse them both as gentlemen fully equal to the charge confided to their care.

B. W. HATHAWAY,
Chairman of Committee,
R. C. GASKILL,
JAMES H. McNABB.

We concur in the above report, except so much thereof as alludes to the State Capitol.

C. H. CHAMBERLAIN,
BENJ. SHURTLEFF.

JOINT REPORT
OF
COMMITTEE ON PUBLIC BUILDINGS,
OF THE SENATE,
AND
COMMITTEE ON STATE PRISON,
OF THE ASSEMBLY.

.....
BENJ. P. AVERY.....STATE PRINTER.

REPORT.

The Committee on Public Buildings of the Senate, and the Committee on State Prison of the Assembly, acting jointly, beg leave to submit the following report :

While at San Quentin, we made a careful examination of the State Prison, and found that everything in and about that establishment indicated a scrupulous regard for cleanliness and order on the part of those intrusted with its control. With few exceptions, the clothing of the inmates is equal to that usually worn by working men throughout the farming and mining districts ; and, judging from what we saw and could learn through the statements of the Visiting Physicians and others, the food of the convicts, in both quantity and quality, is all that can reasonably be desired. So far as the personal physical comfort of the prisoners is concerned, additional bedding is the principal requirement of the State Prison.

To Lieutenant-Governor Chellis much credit is due for the economical and efficient management of the Prison, he having acted during most of the past year as general Superintendent of its affairs.

During the past year the health of the prisoners has been excellent, as appears from the following statement of Doctor J. D. B. Stillman, the Visiting Physician, to whose interesting report we would direct especial attention. He says that :

“ The average number of prisoners being five hundred and eighty-five, the per centage of deaths, from natural causes, will be one and nineteen one-hundredths per annum—a rate so low that I cannot find its parallel on record.”

We made a careful examination of the books of the various departments of the Prison, and found that they had been admirably kept. We were especially pleased with the manner in which those of the Commissary, Mr. W. P. Jones, and those of the Clerk of the Prison, Mr. J. R. Megarrigle, have been arranged and kept.

Notwithstanding the unfortunate break of last July, which resulted from a combination of circumstances not likely to occur again, the net loss by escapes during the past year has been but fifteen, which is a less number than have escaped during any previous year.

Your committee are of the opinion that the adoption of a uniform and

peculiar dress for the convicts would greatly facilitate the making of arrests in case of escapes, and we would therefore recommend the use of such clothing.

Although considerable loss and inconvenience have resulted from the impaired credit of the State, which has been caused mainly by the previous mismanagement of State Prison affairs, the net monthly expense of conducting this Institution during the past year has been but two thousand and sixty-seven dollars and thirty cents (\$2,067 30,) a sum which appears insignificant when compared with that formerly expended for the same purpose; and this sum, small as it is, would have been materially diminished had it not been for the failure of most of the contractors to comply with the terms of their respective agreements with the State.

The recent introduction of pure fresh water, by means of tanks and pipes, to all parts of the Prison, is a great improvement, involving both convenience and economy. These works have been erected under a contract with private parties, from whom we would recommend their purchase at an early day.

The great want of the Prison is additional cells; the present accommodation being such that it becomes necessary to confine in each of several apartments thirty or forty convicts, of all grades in crime—from the beardless boy, whose youthful indiscretion and uncurbed passions have, under the influence of strong temptation or wild excitement, led him to commit his first crime, to the hardened wretch whose perfection in villany and dark deeds of blood are the themes of his exultation.

The inevitable result of this state of things is, that each of the inmates during the term of his imprisonment learns all of rascality that the worst of his companions can teach, and hence the State Prison, instead of being a medium of reform, is made a vast school of crime, in which not only is the science of villany thoroughly taught by competent masters, but plans are laid, and organizations formed for practicing it successfully after the expiration of the term of sentence. Either a Branch Prison should be erected, or additional accommodations should, as soon as possible, be provided at San Quentin. With the facilities afforded by the State Prison labor, much of which is now unemployed, the requisite additional buildings might be constructed at small expense, the room within the walls being ample for that purpose.

It is to be regretted that measures have not heretofore been taken to procure the services of a Chaplain, or Moral Instructor. The moral and intellectual improvement of the convicts, and a decent regard for the opinion of the civilized world, demand that some system of moral instruction and in tellectual training should be adopted; for under the present order of things, the wretched inmates enjoy scarcely any opportunity of conceiving a good thought, or expressing a pure sentiment, all around them being vile and debasing in its influences.

The Library, which until recently has been sadly neglected, should be increased by the addition of entertaining and instructive books, which, with the aid of a Chaplain, or Moral Instructor, might be made the means of accomplishing much good; for, in spite of the unfavorable circumstances with which they are surrounded, many of the prisoners are inclined to spend their time in reading, and if this disposition be encouraged, and proper books placed in their hands, the result cannot fail to be of a most beneficial character.

The permanent and profitable employment of the prisoners still remains an almost unsolved problem. During the past year most of the contracts with the State for Prison labor, have, from various causes, been abandoned by those contracting for such labor.

Your Committee, knowing that the employment of the prisoners is an indispensable necessity, and at the same time recognizing the demand of the mechanics of the State, that their labor shall not be unnecessarily interfered with by convict labor, would recommend that the kinds of labor at which the inmates of the State Prison may be employed be, as far as possible, specified by law, so that all may have an opportunity of knowing in what branches of mechanical or manufacturing business they may engage without being liable to come in competition with State Prison labor. We would also recommend that so far as practicable the convicts be employed in the manufacturing of such articles as are now imported.

The employment of the prisoners should be such as will facilitate proper discipline, and, in the opinion of your committee, it is the true policy of the State to offer such terms, as to time and price, subject to the foregoing recommendations, as will induce responsible parties to become contractors for the convict labor, and thus secure the permanent employment of the prisoners, and a reliable profit to the State.

We find that the title to the State Prison grounds is still in dispute, and that the various claims in relation to it are in such confusion as to render necessary an examination by the Attorney-General and the Surveyor-General, from whom a report in regard to the matter may soon be expected—a concurrent resolution directing them to make such examination and report at an early day having been passed by the two Houses of the Legislature.

The salaries of the officers and Guards have not been paid for nearly a year. Some provision should, by all means, be made by which their demands on the Treasury may be paid with at least as much promptness as that with which the officers in other departments of the State government are paid.

The accommodations of the Guards are not such as should be provided for them, and it is to be hoped that a change will soon be made in this particular, for persons who have been accustomed to the comforts of a home, should not, while serving the State in the dangerous and disagreeable position as Prison Guards, be crowded into cold, damp, fireless apartments, which are almost entirely destitute of every comfort and convenience of life.

Your committee addressed to the Commissary, Mr. Jones, the following questions, to which we received the accompanying answers:

QUESTION FIRST.

What is the probable increase in the price of supplies for the prison, resulting from the necessity of purchasing on credit?

ANSWER.

I can with safety say that, with cash, I could save from twenty-five to twenty-eight per cent.

QUESTION SECOND.

What proportion of the supplies are bought for cash?

ANSWER.

About seven eighths are bought on time, which averages about ten

months; the balance of the supplies are bought with cash derived from the proceeds of prison labor.

QUESTION THIRD.

How is the clothing of prisoners procured?

ANSWER.

The materials are purchased in San Francisco, and manufactured here by the convicts.

QUESTION FOURTH.

What is the average consumption of the various kinds of food used by the prisoners, and its average cost?

ANSWER.

Kinds of Food.	Amount per day.	
	lbs.	ozs.
Beef.....		13
Bacon.....		2
Fish.....		1
Potatoes.....		7
Beans.....		6
Vegetables.....		5
Bread.....	1	9½
Total.....	3	11½

Cost, twelve and a half cents for each convict per day.

NIXON,
Chairman of Senate Committee,
PORTER of Contra Costa,
HARRIMAN,
HATHAWAY,
SHANNON,
POWERS.

ADKISON,
Chairman of Assembly Committee,
SEARS,
TORRANCE,
CLARK,
BANKS,
BARTON,
YULE.



REPORT OF COMMITTEE

ON

STATE REFORM SCHOOL,

MADE

TO THE ASSEMBLY, MARCH 23, 1863.

.....
BENJ. P. AVERY.....STATE PRINTER.

REPORT.

Mr. SPEAKER :—Your Committee, to whom was referred that portion of the Governor's Message relating to the State Reform School, have had the same under consideration, and beg leave to submit the following report :

That we have visited said School, which we find located six and a half miles north of the City of Marysville, upon the eastern bank of the Feather River; the grounds, consisting of one hundred acres of rich arable land, were donated to the State (for State purposes) by the City of Marysville, upon which have been erected buildings well adapted to the purposes of a Reform School, consisting of a main brick building, four stories high, flanked by two wings of the same material, three stories high, the whole capable of accommodating two hundred and fifty persons. We find said School under the supervision of George C. Gorham, assisted by Phillip H. Patten, and from the careful examination we made into the conduct of the same, we are satisfied that all has been done, while under the control of the present Board of Trustees, that could be done, with the limited means at their disposal, to render the institution what, in the opinion of your Committee, a Reform School should be—a place where misguided youths are taught to obey the laws, to respect the rights of others, and to feel, at the same time, that they have rights in common with others. We find also, that the inmates are subjected to a course of studies, embracing all the branches of a common school education; that a number of the boys have become quite proficient in reading, writing, and arithmetic, who, upon entering, had no knowledge of either. In the opinion of your Committee, the necessities which called for the creation of this institution still exist for the maintenance of the same; but that its object has been nearly defeated by the lack of any provision for payment of officers of the law for the transportation of boys from the different parts of the State to the School, is apparent from the limited number now at the place. This evil may be remedied by the passage of the bill now before this House, providing for the payment. For a more full exposition of the conduct and affairs of the institution, financially and statistically, we would refer you to the reports of the Trustees and Superintendent, which, from the careful examination we made of the book, and the diligent inquiries instituted, we have no hesitation in pro-

nouncing correct, notwithstanding the discrepancies which seem to exist between the statements as made by his Excellency the Governor, in his Annual Message, and the report of said Trustees, being charitable enough to suppose that his Excellency has been misinformed in regard to the expenses of the School.

Your Committee would recommend the appropriation asked for by the Trustees. All of which is respectfully submitted.

BURR, for Committee.

REPORT OF COMMITTEE ON HOSPITALS,

CONCERNING

The Condition of the Asylums of this State,

MADE

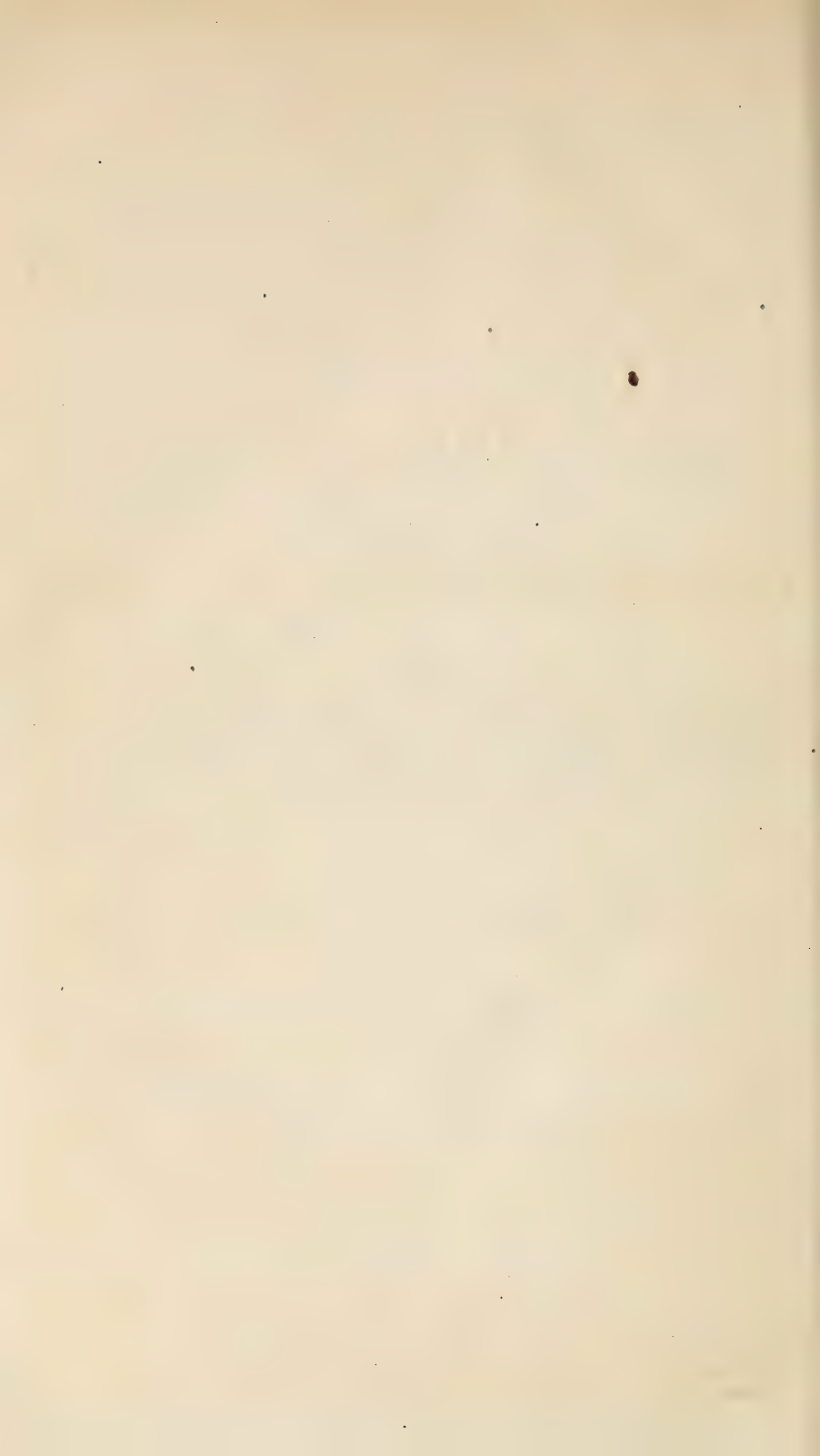
TO THE ASSEMBLY, MARCH 26, 1863.

BENJ. P. AVERY.....STATE PRINTER.

ASSEMBLY CHAMBER, }
March 26th, 1863. }

MR. SPEAKER:—Your Committee on Hospitals, upon whom devolved the duty of visiting the Asylums of this State, have attended to that duty, and respectfully ask leave to make the following report upon the condition and wants of the various institutions visited, and the amount necessary to be appropriated, in order to accomplish the humane purposes for which they were established.

AMES, Chairman.



REPORT.

We have visited the Insane Asylum at Stockton, the Catholic and Protestant Orphan Asylums at San Francisco, the Asylum for the Deaf, Dumb, and Blind, the Magdalen Asylum, and the Home of the Inebriate.

The Insane Asylum we found in a much better condition than it was last year. Every department of the institution is cleanly and well ordered, and the accommodation, care, and treatment of the patients, we find to be as good as the crowded state of the institution will admit of. The kindness and assiduity of the attendants were manifest, and, from inquiries made, we are satisfied were not put on for the occasion.

"Your committee made a somewhat minute examination of the financial management of the Institution, and of the books of accounts, as well as the system on which the disbursements are made and accounted for, and in this department we can suggest no improvement. During the last year some improvements have been made, and for these the money has been well expended. The system of sewerage and drainage from the main building, suggested by the Resident Physician, has been finished, and has proved a complete success, amply justifying the expenditure, the whole amount of which is five thousand four hundred and forty-five dollars and forty-two cents, (\$5,445 42.)

"A Laundry, thirty-two feet wide, and fifty-four feet long, and two stories in height, has been nearly completed, and is a necessity, there being none sufficiently large to meet the wants of so great a number of patients.

"Two small additions have been made to the "Mad Houses," which are places of confinement for raving maniacs, and in each of which is included a bath room, a thing indispensable to an Insane Asylum, as well in regard to cleanliness, as in point of medical treatment, it having been found that bathing is very essential to the proper treatment of many cases of insanity; increased facilities for bathing have also been made in the main building.

"The building erected in the airing court for a Gymnasium, in size thirty feet in width, by one hundred and ninety feet in length, and roofed, although open on the sides, is of very great utility, affording a place of shelter to the patients from both rain and sun; this gives not only exercise but amusement, and, when not carried to excess, has a curative effect, it having been abundantly proved by experience in the

Hospitals of Europe and America, that one of the best medicines for a large class of the insane is plenty of bodily exercise.

"On the whole, the committee are of opinion that all is done, and well done, for the insane, which the limited condition of the Asylum will admit of; but there is a great amount of insanity in the State, and it seems to be on the increase—last year the number of patients being about four hundred and fifty, while this year the number is increased to about five hundred.

"There are two hundred and fifty patients more than the Asylum has suitable accommodations for; a fact which requires but little comment, but demands a remedy. It is the opinion of the Resident Physician that there are now in our Asylum two hundred persons who, with proper means, might have been cured, but who are now beyond all hope of recovery. The list of unfavorable cases amounts to three hundred and forty; of these, three hundred and eleven have been inmates of the Asylum for periods varying from one to nine years, and will, most of them, be found to be incurable. It no longer admits of a doubt that enlarged accommodations for insane persons in California must be afforded by the State. The patients should have more room, and an addition should be made to the building, or the Asylum will fail to answer the benevolent purposes of its creation. It is the rule in the Hospitals of the East to give the insane twice the room that the sane occupy in sleeping apartments. Our Asylum has room but for two hundred and fifty patients, while it has now under treatment five hundred and over.

"It would be a waste of time to go over the same reasons for making a change which were shown by the Special Committee of eighteen hundred and sixty-one, and which were reiterated by the Standing Committees of eighteen hundred and sixty-two, at which time there were about four hundred and fifty patients, instead of over five hundred, as is the case at present; those reasons exist with added force now. Should increased facilities be afforded for the cure of the insane in our Asylum, there is no reason why the percentage of cures in California should not be as great as in Massachusetts or elsewhere; but at present it is much less, and the committee, after a most deliberate and careful examination, have come to the conclusion that the main obstacle to the proper treatment of the insane in our Asylum is the want of sufficient room, and the facilities for outdoor exercise.

"For more full particulars on all these subjects, we refer to the reports of the Trustees, the Treasurer, and the Resident Physician.

"For the remedy of these deficiencies, your committee recommend the purchase of two blocks of land—one in front, the other in the rear of the present buildings—and the erection of a building containing suitable accommodations for two hundred patients, and that the female patients should all be removed into that building. Also, the erection of a suitable fence, either of wood or of brick, as the Trustees may deem best, around the whole farm, now containing one hundred acres of as good farming land, probably, as can be found in the State."

The above extract from the report of the Senate Committee we most heartily indorse, assuring your honorable body that its every word is true.

Your committee found the Asylum so crowded that the Resident Physician has been compelled to lay down beds upon the floors of all the halls and passage ways of the institution. So thick were they when your committee visited them in the evening, that it was almost impossible

to pass from one apartment to another without treading upon these unfortunates. These facts, patent to every one, leaves no room for doubt as to the necessity of enlarging this Institution; but something else must be done, or no amount of additions will be found equal to the accommodation of the rapidly increasing numbers sent to this Institution. It is an evident fact, and one admitted by the Physicians of the Institution, that full one third of the patients there are proper subjects for a *County Poor House*. Your committee have no doubt that very many persons now in the Asylum would never have been sent there had there been Alms Houses in which to have placed them.

All well regulated States make due provision for the poor. This can be done through a system of county farms, purchased for that purpose, at a very trifling cost compared with what it costs to take care of them in the Insane Asylum and Hospitals of the State. In the State of New York, the County Poor Houses are, many of them, a source of *revenue*, as well as a home for the unfortunate. It being evident to your committee that some system must be adopted for the care and support of the indigent of our State, and being well assured that a proper system of County Poor Houses is the best and most economical way of providing for them, your committee have prepared a bill (in the main a copy of the New York Statutes) for that purpose, which we recommend to the favorable consideration of the Legislature.

We cannot close this branch of our report without reiterating the conclusions arrived at last winter, accompanied by the assurance that a year's experience but confirms them.

"In view of the crowded condition of the Asylum, and the almost entire want of proper appliances to cure its unfortunate inmates, your committee are unanimous in opinion that something should be done to relieve the crowded condition of the Asylum. No condition to which common humanity is subject, appeals more forcibly to the purest and best sympathies of our hearts than the pitiable situation of our fellow creatures suffering from a mind diseased; and when it is remembered that science and art have demonstrated that a very large proportion of the cases of insanity *are* curable, it is an immense responsibility to hold the die when the fate of hundreds of such unfortunates is to be determined by the manner in which it is cast. If the startling fact could be brought home to the minds of men that no one, however towering in intellect, holds his sanity at his option, but is liable at any moment to suffer the horrors of a mind dethroned, and that in such dire condition he must take his chances for weal or woe in the Asylum of California *as it is*, we think there would be no delay on the part of the Legislature, or on the part of the citizen tax payers, in providing for the required changes at whatever cost; and there is no better way to determine one's action in a matter of the kind than to follow the Golden Rule, and "do unto others as we would they should do unto us." We can perceive no reason from natural causes why as large a per centage of cures should not be effected in the Asylum of California as in Asylums elsewhere.

"Certainly it is not in the climate, for no country under the sun can boast of a more healthful one; nor can it be that the causes are more likely to produce mental derangement of a deeply rooted and more permanent character than elsewhere. What, then, is the difficulty? Evidently, the want of room for classification, and lack of the necessary remedial agents. That the former is a crying evil, no one can doubt who will visit the Institution, and that the latter is a serious drawback from

the success of the object designed in its foundation, will not be questioned.

“The two difficulties, therefore, should be removed. The removal of either, without the other, will not satisfy the exigencies of the needed reform; they should both be obviated.”

Your committee were much pleased with the condition and success of the Orphan Asylums in San Francisco. In the Protestant Asylum we found eighty-one children—forty-five boys, and thirty-six girls. This Asylum has plenty of room, is finely located, and when the main building is finished, it will afford ample accommodation for three hundred children.

In the Catholic Orphan Asylum, on Market street, we found two hundred and fifty orphan girls, clean, healthy, and happy; a sight that will make any one who beholds it think better of his kind, and believe that charity, at least, has not “ceased to abide with us.”

This is the oldest Institution of the kind in the State, so old, indeed, that the floors are nearly worn out. It needs and deserves such assistance as will enable its kind conductress to make necessary repairs to the building, as well as to support those unfortunate children. In addition to the building on Market street, they have put up a new one at Hunter's Point, at a cost of twelve thousand dollars. We trust that the Legislature will increase the appropriation for this charity this year to at least eight thousand dollars.

Your committee also visited the Asylum for the Deaf, Dumb, and Blind, under charge of Mrs. Clark. This Institution is located at the Mission Dolores, on a beautiful large lot, donated for that purpose, the title to which is in the State. Under the excellent management of Mrs. Clark, this institution has already become a success, and like the Orphan Asylums, is an institution of which Californians may well be proud. The two buildings, (intended as wings for the main building when completed,) are constructed of brick, and put up in the most substantial manner. Owing to the advance of property in this part of San Francisco, and to the economy displayed in erecting the buildings, this property is worth much more to day than it has cost. There are in this Asylum twenty-two blind, and twenty-eight deaf and dumb. They are apparently happy, and well up in their studies—in fact, one of the mutes was far in advance of ordinary children of his age that have the use of all their senses.

An additional appropriation will be required for this institution this year, to enable them to erect the main building in accordance with the original plan. Your committee are of the opinion that neither the people nor the Legislature will have cause to regret any appropriation made for this Institution.

Your Committee also visited the “Home for the Inebriate,” and found it a very fine and clean building, and that it had two patients. No appropriation is needed for this charity.

Your Committee also visited the “Magdalen Asylum,” and found it had forty-four patients. The Asylum was in good order, and is, no doubt, a very worthy and commendable charity, but partakes more of a private than a public character.

AMES, Chairman,
MOORE,
MEYERS,
BURR,
DUNCOMBE.

REPORT OF THE ATTORNEY-GENERAL

CONCERNING THE

TITLE TO STATE PRISON LANDS

AT POINT SAN QUENTIN,

IN ACCORDANCE WITH

THE JOINT RESOLUTION OF THE TWO HOUSES.

BENJ. P. AVERY.....STATE PRINTER.

REPORT.

To the Honorable the Legislature of the State of California:

In accordance with a resolution of the Senate and Assembly, adopted March second and fourth, directing me "to investigate all questions affecting the title to the lands at Point San Quentin covered by or adjacent to any of the Prison buildings or improvements," I have made such partial examination as the time and opportunity afforded has enabled me.

Accompanying this report I send you an abstract of title to the lands upon which the Prison is erected, accompanied with a rough chart, indicating the location of Prison, guard-houses, gardens, commissary store-house, wells, etc.

The Surveyor-General has caused a survey to be made of the entire Point, which will furnish you with an accurate map of the whole of the neighboring lands, and at a glance enable you to see the extent and location of the State's property.

To make a perfect abstract of title to the Point in question would involve a great amount of labor and expense. It would be necessary to search the records of the County of Marin and the Courts, through a most perplexing litigation which has involved the Buckelew Rancho since the earliest time; and if the object should be a purchase of any part of the property, I am convinced that the attainment of a quiet title would be impossible.

Again, I have seen no disposition on the part of any of the claimants to these lands to treat for their sale to the State, except upon most unconscionable terms. For one hundred and three acres, Mr. George A. Worn asks, for a litigated and unsettled title, the sum of fifty thousand dollars, (\$50,000,) which is at least fifty times more than it is worth.

Mr. John Simms, who has obtained from Governor Downey the patent of forty acres of land made by the State upon the line of the beach, actually redeemed by the labor of the State, in use by it as a brick-yard for years, and once by the State purchased from John Center, has brought ejectment for the same, and is now, I believe, willing to compromise his claim for the sum of forty thousand dollars (\$40,000.)

This suit is now pending. Another has been brought by Mr. Worn against the officers of the State, to enjoin them and their Agents from digging clay on his lands. Worn derives title from one Roos, now

deceased; Roos from Buckelew. One Wright is, I believe, contending for the whole property as against the estate of Roos, or the trust of Worn. Mrs. Buckelew, the widow and Administratrix of Benjamin R. Buckelew, claims title to a part of the beach and water property on the Point, and homestead in island upon which the wharf is built.

If it is deemed necessary for the State to acquire title to the lands in the vicinity of the Prison, I would suggest for their consideration the Act of April fifteenth, eighteen hundred and fifty-nine, entitled an Act to provide for condemning and purchasing certain lands adjoining the State Prison grounds, at San Quentin, for State Prison purposes.

It may not be improper for me to suggest to the Legislature the importance of acquiring the lands in the vicinity of the Prison. The embarrassments of not owning enough land in the neighborhood of the State Prison to furnish its convicts with clay for brick making—the fact of the guard houses, gardens, commissary stores, and wells, standing on the property of others, is not only a source of present embarrassment in the conduct and management of State Prison affairs, but I see in the future a coming swarm of claims for compensation, damages, etc., growing out of these complications.

Independent of a claim of say ninety thousand dollars, (\$90,000,) for one hundred and forty-three acres of land, made by Simms and Worn, Mrs. Buckelew is now preferring her claim against the State for eight thousand one hundred dollars (\$8,100) for clay already used by the State during the lifetime of her husband.

What may be the pretensions of other parties, or the claim of those having improvements on the Point in vicinage of the Prison, I cannot undertake to say.

In my opinion, the condemnation of the necessary lands under the Act referred to is a speedy and cheap solution of the whole difficulty.

I am suddenly compelled to visit the county seat of Marin County to endeavor to procure the modification or dissolution of an injunction against the Governor, State Prison Directors, and their Agents, from trespassing on the lands of George A. Worn—an injunction cutting off the use of the only fresh water within three miles of the Prison. This is my apology for a very hasty report touching State Prison matters.

I have the honor to be,

Very respectfully,

FRANK M. PIXLEY,
Attorney-General.

ABSTRACT OF TITLE
TO THE
STATE PRISON GROUNDS
AT
POINT SAN QUENTIN.

ABSTRACT OF TITLE, ETC.

LETTER FROM THE RECORDER OF MARIN COUNTY.

RECORDER'S OFFICE, MARIN COUNTY, }
March 16th, 1863. }

Hon. F. M. Pixley :

SIR :—You will please find inclosed abstracts of title of the State Prison lands, also of the Tide Land adjoining the same, claimed by Mr. Simms. I thought it best to send copies in full of the two original deeds from Buckelew, as they are referred to in all subsequent conveyances touching that property. As to an abstract of the other lands on Point San Quentin, and adjacent to the Prison lands, the same must *necessarily* involve the whole title from Cooper down to the present day, as none of these lands have ever been sold from the main body of the rancho, and of course have been affected by all conveyances, incumbrances, etc., upon the same. You must, of your own knowledge, and from an acquaintance with Mr. Buckelew, (in his lifetime,) be able to form some idea of the extent of an abstract of this rancho. It would require a great deal of labor, and at the least would be worth from one hundred and seventy-five to two hundred dollars. For these reasons I concluded it would be best not to commence the abstract until I heard from you again. I have also furnished Captain Easkoot, our County Surveyor, with a copy of the deed from Center to the State, and charged the same in the bill herewith inclosed, at his request. The amount of bill, forty dollars, you will please remit per express, and oblige

Yours truly,

D. T. TAYLOR.

Per S. B. HARRIS.

ABSTRACT OF TITLE TO STATE PRISON LANDS.

WHEREAS, by an Act entitled an Act to provide for the erection of a State Prison, passed at the last session of the Legislature of the State of California, in the year of Our Lord one thousand eight hundred and fifty-two, section first of said Act constitutes the State Prison Inspec-

tors and the Superintendent of Public Buildings as a Board of Commissioners to select and purchase twenty acres of land on which to erect a State Prison, as provided for in said Act; and whereas, James S. Graham, Commissioner of Public Buildings, George McDougal, Horace W. Carpentier, and James Miller, State Prison Inspectors, as such Board of Commissioners on the part of the State of California aforesaid, agreeably to the Act above referred to, did purchase of Benjamin R. Buckelew, of the County of Marin, in the State of California, twenty (20) acres of land lying in said County of Marin, on which to have erected said State Prison and appurtenances :

Now, know all men by these presents, that I, Benjamin R. Buckelew, of the County of Marin, and State of California, for and in consideration of the sum of ten thousand dollars, (\$10,000,) to me in hand paid by John Bigler, in his capacity as Governor of the State of California, the receipt whereof I do hereby acknowledge, and for the further consideration that the said State Prison shall be erected on the piece or parcel of land herein conveyed, do hereby grant, bargain, and sell, convey, and confirm unto the said John Bigler, in his capacity of Governor of the State of California, and his successors in office as such Governor, and for the use of said State of California, and for the erection on said parcel of land hereby bargained and sold, of a State Prison, as aforesaid, to the use and behoof of the State forever: All that certain tract or parcel of land lying in the County of Marin, in the State of California, known and designated on the map or plan of said parcel of land hereunto annexed, which plan is made a part of this conveyance, and marked in red ink thus (A). The twenty (20) acres of land hereby conveyed is bounded and described as follows, to-wit: Commencing at a point about four hundred (400) feet eastward from and parallel to a due north and south line run from the southermost point of the point of land called San Quentin, and marked (S); north, thirteen hundred (1,300) feet from said southermost point of land at high water mark, at the point of intersection of a line run at right angles to the first line; due east, eight hundred (800) feet or more from ordinary high water mark on the west side of said point of land, distant thirteen hundred (1,300) feet north from the first mentioned southermost point; thence, due south, in a straight line, to high water mark; and commencing again at said point of intersection of the east and north lines, and running due west in a straight line eight hundred (800) feet to a point at or near ordinary high water mark; thence, due south, in a straight line, to high water mark; the south boundary of said tract of land to run in a straight line due east and west, and sufficiently far south from the north boundary line to embrace within all said boundary lines twenty (20) acres of land above ordinary high water mark; the two first mentioned lines are to be subject to the correction of any error in the lines of the streets of the survey of the City of Marin, a plan of which is hereunto annexed, and marked in red ink thus, (B); which lines are bounded by a street fifty (50) feet wide on the north, and a street one hundred (100) feet wide on the east, the said streets having been already surveyed, and are believed to be correct according to the plan of said City of Marin and the Prison grounds adjoining, hereunto annexed. To have and to hold the aforescribed and granted premises to the said John Bigler, in his capacity as Governor, as aforesaid, and to his successors in office as such Governor of said State of California, to the sole use of the State for prison purposes and buildings, as hereinbefore provided for; and I, the aforesaid Benjamin R. Buckelew, do hereby, for myself and my

heirs, Executors, and Administrators, covenant with the said John Bigler, in his capacity as Governor, as aforesaid, and his successors in office as Governor of said State of California, for the use of the State, as aforesaid, that I am lawfully seized in fee simple of the aforementioned and granted premises, that they are free of all encumbrances, and that I have good right to sell and convey the same to the said John Bigler, as Governor, and for the use of the State, and that I and my heirs, Executors, and Administrators will warrant and forever defend the said premises to the said John Bigler, as Governor, and to his successors in office, as such Governor, for the use of the State, as aforesaid, forever, against the lawful claims and demands of all persons whatsoever; and the aforesaid Benjamin R. Buckelew herein and hereby further covenants and agrees with the aforesaid John Bigler, Governor of the State of California, that the two blocks of land (exclusive of the streets, which streets are forever to remain open) lying longitudinally in front of the eastern line of the aforementioned State Prison ground, are herein dedicated and appropriated by the said B. R. Buckelew as Public Parks, to remain as such forever, and to be improved and embellished by the State of California, and to be under the direction and control of the said State forever; or provided the State shall refuse to improve, embellish, direct, and control said grounds as Public Parks, then said control shall be and the same is hereby vested in the future corporate authorities of the aforementioned City of Marin; said blocks of land are each four hundred feet long, north and south, and three hundred feet wide, east and west; the southern block is at present nearly all covered with water, and the southeast corner of the northern block is also covered with water; and the said B. R. Buckelew does herein further covenant and agree with the said John Bigler, Governor, etc., that the wharf which he intends building in front of the said City of Marin, and to connect the same with the ship channel to a depth of water not less than sixteen feet of water, at the lowest stage of the tide, shall be used by the said State of California for all purposes connected with the aforesaid Prison grounds free of charge to the State for such use forever; and the said B. R. Buckelew does hereby further covenant and agree with the aforesaid John Bigler, Governor, etc., that the said wharf shall be completed ready for use on or before the first day of January, A. D. eighteen hundred and fifty-three; and the said B. R. Buckelew does herein and hereby grant to the said party of the second part the right of way between the said wharf and Prison ground, the same to conform to the survey of the streets and be in said streets when the blocks are built upon and fenced in as may be necessary.

In witness whereof, I have hereunto set my hand and seal, in the City of San Francisco, in the State of California, this ninth day of July, A. D. one thousand eight hundred and fifty-two.

B. R. BUCKELEW, [SEAL.]

Executed in presence of)
C. GARVEY. }

STATE OF CALIFORNIA, }
County of San Francisco, } ss.

On this ninth (9th) day of July, A. D. one thousand eight hundred and fifty-two, (1852,) personally appeared before me, (in said county,) a Notary Public in and for said county, Benjamin R. Buckelew, known to me

to be the person described in and who executed the foregoing instrument of writing as a party thereto, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.



In witness whereof I have hereunto set my hand and official seal the day and year aforementioned.

C. GARVEY,
Notary Public.

NOTE.—There is no date of record to this deed.

RECORDER.

This indenture, made and concluded the tenth day of July, in the year one thousand eight hundred and fifty-two, between Benjamin R. Buckelew, of the County of Marin, in the State of California, party of the first part, and James M. Estell, Robert Allen, Fernando Vassault, Andrew Garr, and Joseph Daniels, all residents of the aforesaid State of California, parties of the second part, witnesseth: That for and in part consideration of the sum of five dollars, to me in hand paid by the aforesaid parties of the second part, the receipt of which is hereby acknowledged, and for the remaining further consideration of the undermentioned terms and conditions, to be fulfilled by the aforesaid parties of the second part, their heirs, and assigns, the said party of the first part hath granted, bargained, sold, transferred, and conveyed, and by these presents do hereby grant, bargain, sell, transfer, and convey, unto the aforesaid parties of the second part, and to their heirs, and assigns, forever, all that certain tract or parcel of land, lying in the County of Marin, in the aforesaid State of California, the same being a part of the rancho granted to John B. R. Cooper by Governor Alvarado, in the year eighteen hundred and forty, and by the said Cooper sold and conveyed to the aforesaid party of the first part in the month of October, A. D. eighteen hundred and fifty, the same having been recorded in the County Recorder's office, in the County of Marin, in the aforesaid State, situated on a part of the land known as "Punta de San Quentin," and the same is bounded and described as follows, (reference being had to the map hereunto annexed, and which forms a part of this conveyance:) Commencing at or near the south end of the west line of the land recently sold by the aforesaid party of the first part to the State of California for the erection of a State Prison; thence north on said line eight hundred and fifty (850) feet to the north west corner of said Prison ground; thence east on the north line of said Prison ground four hundred (400) feet; thence north four hundred and fifty (450) feet; thence west three hundred (300) feet; thence south four hundred and fifty (450) feet; thence west four hundred (400) feet; thence south seventy-five (75) feet, more or less, to the water's edge, with the relinquishment of all the rights and privileges of the said B. R. Buckelew to improve, fill up, and occupy all the flat or shoal covered with water at high tide withip the boundaries of a line drawn due south from the south end of the last mentioned line an additional twelve hundred and twenty-

five (1,225) feet, more or less, making the length of both lines connected, in all thirteen hundred (1,300) feet; and thence by a line at right angles, to the last line drawn due east seven hundred (700) feet, to a junction with the west line of the aforesaid Prison grounds at the point of beginning, with the reservation and exception of all the streets which run, or may hereafter run, through the above granted and described premises, in strict conformity with the plan of the streets of the City of Marin. A copy of a part of the map of said place, as drawn in connection with the plan of the within granted land, hereunto annexed as aforesaid. Said streets are reserved for the purpose of being conveyed as public avenues to the future corporate authorities of the aforesaid City of Marin; provided, that until the aforesaid conveyance shall be made by the said party of the first part, or in default of his making said conveyance, by his decease, the aforesaid streets, excepting the one farthest north within the aforesaid boundary lines of the within conveyed and described premises shall be and continue to the use, benefit, and control of the said parties of the second part until the aforementioned future corporate authorities shall demand the same to be thrown open by reason of the necessities of the case requiring such action; and after one year's notice to the parties of the second part, or to any one of them, shall have been given in writing by the direction of said future corporate authorities, the abovementioned street, lying farthest to the north as aforesaid, is to be and continue open and unobstructed from the present time forever. It is hereby expressly provided that by the said party of the first part making this conveyance, he does not in the least abridge his rights and privileges to make any alteration or improvements outside the above described boundary lines of the premises herein conveyed, either on the land or in the waters; but it is also provided that in case such alterations or improvements would damage or obstruct the above granted premises, unless the free use of such improvements were allowed the said parties of the second part, then the said parties of the second part shall have in that case the free use of any and all such improvements as may be made by the said party of the first part, such use to be to the extent that no obstruction or hindrance will then exist to the damage of the said parties of the second part; and it is also expressly provided that the said parties of the second part, their heirs and assigns, shall not make any alterations, obstructions, or improvements outside the boundary lines of the within granted and described premises, either on the land or in the flat or shoal covered with the waters of the bay, without the written consent of the said party of the first part; and it is further provided that the said parties of the second part shall continue the manufacturing of bricks (provided the clay for that purpose shall not have been sooner exhausted) for the term of nine years from the present date; and it is also provided that all buildings, except stables, sheds, and shanties, and other temporary and inferior constructions, shall hereafter be erected to conform to the survey of the streets within the aforesaid boundary lines of the premises herein conveyed as aforesaid. To have and to hold the above bounded and described premises unto the aforesaid parties of the second part, their heirs, and assigns, forever, in the proportion to each as follows, viz: The one undivided half of the within conveyed land, and rights and privileges, to the aforesaid James M. Estell, and the remaining undivided half to the aforesaid Robert Allen, Ferdinand Vassault, Andrew Garr, and Joseph Daniels, jointly to each of said parties, their heirs, and assigns, in their proper proportion of

interest, to their sole use, benefit, and behoof forever. And I, the aforesaid Benjamin R. Buckelew, do hereby, for myself and my heirs, Executors, and Administrators, covenant with the aforesaid parties of the second part, that I am lawfully seized in fee simple of the above granted premises, that they are free of all incumbrances, and that I have good right to sell and convey the same to the said parties of the second part; and that I and my heirs, Executors, and Administrators, will warrant and forever defend the said premises against the lawful claims and demands of all persons whatsoever. In witness whereof, I hereunto set my hand and seal, in the City of San Francisco, the tenth day of July, in the year one thousand eight hundred and fifty-two.

B. R. BUCKELEW [SEAL.]

In presence of }
JAMES PRATT. }

STATE OF CALIFORNIA, }
County of San Francisco. } ss.

On this fourteenth day of July, eighteen hundred and fifty-two, personally appeared before me, a Notary Public in and for said county, Benjamin R. Buckelew, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

JAMES PRATT,
Notary Public.



(DEED.)

J. M. Estell, Robert Allen, Ferdinand Vassault, Andrew Garr, and Joseph Daniels, to The San Francisco Manufacturing Company.

Dated September twenty-second, eighteen hundred and fifty-two.

Consideration, ten dollars.

Conveys the same premises that were conveyed to the said parties of the first part by Benjamin R. Buckelew, by deed, dated the tenth day of July, eighteen hundred and fifty-two.

Recorded September twenty-eighth, eighteen hundred and fifty-two, in Liber "A" of Deeds, pages 245-6-7, Marin County Records.

(DEED.)

James W. Estell, President of the San Francisco Manufacturing Company, to Archibald Woods.

Dated June thirtieth, eighteen hundred and fifty-four.

Consideration, thirty thousand one hundred and fifty dollars.

Conveys the same premises as conveyed to said Manufacturing Com-

pany by J. M. Estell et als., by deed, dated September twenty-eighth, eighteen hundred and fifty-two.

Recorded July fourteenth, eighteen hundred and fifty-four, in Liber "A" of Deeds, pages 453, etc., Marin County Records.

—
(DEED.)

Archibald Woods, to John Bigler, Governor of California, and his successors in office, etc.

Dated July third, eighteen hundred and fifty-five.

Consideration, forty thousand dollars.

Conveys the same premises as conveyed to said party of the first part by J. M. Estell, President of the San Francisco Manufacturing Company, by deed, dated June thirtieth, eighteen hundred and fifty-four.

Recorded July tenth, eighteen hundred and fifty-five, at five o'clock, p. m., in Liber "B" of Deeds, pages 148-149, Marin County Records.

—
(DEED.)

John Centre, to The State of California.

Dated June third, eighteen hundred and sixty-one.

Consideration, twelve thousand dollars.

Conveys "all the following described tract and parcel of land, situate lying and being in the County of Marin, and State of California, viz : Being the same heretofore occupied by the San Francisco Manufacturing Company as a steam brick factory, said land being adjoining the State Prison of this State, and being part of the land known as Punta de San Quentin, bounded as follows." (Here follows same description as in deed from Buckelew to J. M. Estell et als.)

Recorded August twenty-second, eighteen hundred and sixty-one, at four o'clock, p. m., in Liber "C" of Deeds, pages 403-404, Marin County Records.

STATE OF CALIFORNIA, }
County of San Francisco. }

In the District Court of the Fourth Judicial District.

Samuel W. Haight and Theodore A. }
Wakeman, Plaintiffs, }

vs. }

Archibald Woods, Defendant. }

Writ of Attachment, dated May eleventh, eighteen hundred and fifty-five.

Amount sued for, ten thousand dollars.

Directed to the Sheriff of Marin County.

(*Sheriff's Return* :)

"In pursuance of the above Writ of Attachment, I have this day at-

tached the following property, to wit: (after specifying personal property) together with all the right, title, and interest of Archibald Woods in and to the land adjoining the Prison ground, containing sixteen acres or thereabouts.

"Dated at Marin City, May eleventh, eighteen hundred and fifty-five.

"D. CLINGAN, Sheriff."

Filed this twelfth day of May, A. D. eighteen hundred and fifty-five.

DANIEL T. TAYLOR, Recorder.

STATE OF CALIFORNIA, }
County of San Francisco. }

In the District Court of the Twelfth Judicial District.

C. K. Garrison, Plaintiff,

vs.

A. Woods, Defendant.

Writ of Attachment, dated May tenth, eighteen hundred and fifty-five.
Amount sued for, four thousand two hundred and ten dollars.
Directed to the Sheriff of Marin County.

(*Sheriff's Return:*)

"In pursuance of the above attachment, I hereby certify that I have this day attached the following property, to wit: "All the land adjoining the Prison grounds owned by as above.

"Dated at Marin City, May fifteenth, eighteen hundred and fifty-five

"D. CLINGAN, Sheriff."

Filed May fifteenth, eighteen hundred and fifty-five.

DANIEL T. TAYLOR, Clerk.

DISTRICT COURT, TWELFTH JUDICIAL DISTRICT, }
State of California, County of San Francisco. }

Thomas Young,

vs.

San Francisco Manufacturing Com-
pany.

Transcript of Judgment.

Judgment rendered December eighth, eighteen hundred and fifty-four for five thousand eight hundred and seventeen dollars and sixty-nine

cents, and costs six hundred and thirty-three dollars and eighty-four cents.

Attested February twenty-fourth A. D. eighteen hundred and fifty-five.

Received for record February twenty-second, eighteen hundred and fifty-five, at ten o'clock, A. M., and recorded in Liber "A" of Transcript of Judgments, page 14.

JOS. S. POINDEXTER, Recorder.

D. T. TAYLOR, Deputy.

NOTE.—This judgment was assigned by said Young to John Center, as will appear from a deed from said Center to the State of California, hereto attached; there is no assignment or record in this office.

RECORDER.

Marin County, ss.

I hereby certify the foregoing to be a true, full, and correct abstract of the title (of the two parcels of land conveyed by B. R. Buckelew to the State of California, and to J. M. Estell et als.) from the date of said first conveyance to the present time, as appears from the records of my office.



In witness whereof I have hereunto set my hand and official seal, this sixteenth day of March, A. D. eighteen hundred and sixty-three.

DANIEL T. TAYLOR, Recorder.

By S. B. HARRIS, Deputy.

ABSTRACT OF TITLE

OF FORTY AND THIRTY-FIVE ONE HUNDREDTHS ACRES OF TIDE LAND, AND
ADJOINING THE STATE PRISON GROUNDS, IN MARIN COUNTY.

STATE OF CALIFORNIA, }
County of Marin. }

OFFICE OF THE COUNTY TREASURER, }
April 7th, 1860. }

Received, this day, from J. F. McCauley, forty dollars and thirty-five cents in cash, being payment in full for forty and thirty-five one hundredths acres of land described in the field notes of A. D. Easkoot, County Surveyor of Marin County, as follows: Survey Number One, Tide Land, Marin County, Township Number One North, Range Number Six West, Sections Eleven and Fourteen, portion of meridian, being the base and meridian of Mount Diablo, containing forty and thirty-five one hundredths acres, surveyed for J. F. McCauley, twenty-fifth day of January, eighteen hundred and sixty.

T. H. HANSON,
County Treasurer.

Endorsed—"Received at the request of J. F. McCauley, April seventh, eighteen hundred and sixty, at eleven o'clock, A. M., in Liber "A" of Swamp Lands, Marin County Records, page 24.

"D. T. TAYLOR, Auditor."

(PATENT.)

John G. Downey, Governor, etc., to John F. McCauley.

Dated May twenty-ninth, eighteen hundred and sixty.

Consideration, forty dollars and thirty-five cents.

Conveys forty and thirty-five one hundredths acres of Tide Land, and being the same as described in foregoing Treasurer's receipt.

Recorded June second, eighteen hundred and sixty, at five o'clock, P. M., in Liber "D" of Deeds, pages 206-207, Marin County Records.

(DEED.)

John F. McCauley, to John Simms.

Dated February eighteenth, eighteen hundred and sixty-two.

Consideration, five thousand dollars.

Conveys all his right, title, and interest in the forty and thirty-five one hundredths acres of Tide Lands above described.

Recorded October twenty-fifth, eighteen hundred and sixty-two, at three o'clock, P. M., in Liber "D" of Deeds, pages 438-439, Marin County Records.

There is now pending in the District Court, Seventh Judicial District, County of Marin, an ejectment suit brought by John Simms vs. J. F. Chellis et als.

STATE OF CALIFORNIA, }
County of Marin. }

I hereby certify the foregoing to be a true, full, and correct abstract of title of forty and thirty-five one hundredths acres of Tide Lands, situated in Marin County, California, and adjoining the State Prison grounds, as far as the records of my office show.



Witness my hand and official seal, this sixteenth day of March, A. D. eighteen hundred and sixty-three.

DANIEL T. TAYLOR,
County Recorder.

By S. B. HARRIS, Deputy.

LETTER FROM THE SURVEYOR-GENERAL

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL, }
 Sacramento, March 31st, 1863. }

To the Honorable the Legislature of the State of California :

GENTLEMEN :—In accordance with instructions contained in a concurrent resolution, passed the two branches of the Legislature on the second and fourth instants, I have the honor to submit herewith the plat of the State Prison grounds at Point San Quentin, together with the adjacent country ; also the report of the person deputized to make the survey.

A complete map upon a large scale is being made for preservation in the archives of the Stand Land Office.

An appropriation of one hundred and fifty dollars is recommended, to pay the cost of survey and maps.

All of which is respectfully submitted for your consideration.

J. F. HOUGHTON,
 Surveyor-General.

LETTER FROM E. TWITCHELL TO SURVEYOR-GENERAL.

SACRAMENTO,
 March 23d, 1863. }

Hon. J. F. Houghton, Surveyor-General :

SIR :—In pursuance of instructions received from you, I have the honor to report that on the seventeenth instant I proceeded to San Quentin to make a survey of the lands purchased by the State upon which the State Prison is situated.

In making the survey of the boundaries of the two tracts purchased, I have been governed entirely by the descriptions contained in the deeds for the same, certified copies of which I had obtained.

The description of the starting point in the boundary of the original purchase of twenty acres is very badly expressed, and in an awkward manner ; however, from a rough plat which accompanies the deed there can be no doubt but what a point thirteen hundred feet north and four hundred feet east of high water mark, at the extreme southern point of what is known as Point San Quentin, was intended to be the beginning point of the survey, and the north east corner of the tract. This corner is described as being eight hundred feet, or about that distance, from high water mark on the west shore of the Point. The land in that vicinity has been occupied for many years as a brick yard, and the shallow water has been filled in for a distance of six hundred or eight hundred feet, out from the original shore line, and it is now impossible to tell where the true high water line was at the time of making the deed.

As the extreme southern point referred to above is rocky and tolerably well defined, I determined my starting point by measuring north and east from the same.

The description of the second purchase, made of John Center, is very

clear. Yet I am of the opinion that a considerable portion of the same was the property of the State by virtue of her sovereignty, as Tide Lands. Captain Van Reynegam, who assisted the County Surveyor in making a survey of these lands purchased by the State some years ago, pointed out to me the corners then established. I have found it necessary to depart materially from the lines of said survey.

The lines established by myself embrace the Prison wall and the buildings attached thereto, also the guard house near the southwest corner of the wall, but exclude the other four guard houses, the stone building containing the offices of the Commissary and Clerk, also the Park and the two Prison gardens, all of which is clearly shown by the accompanying plat.

The Center purchase embraces twelve and twelve one hundredths acres.

All of which is respectfully submitted.

E. TWITCHELL.

LETTER FROM HOGE & WILSON TO ATTORNEY-GENERAL.

SAN FRANCISCO,
March 16th, 1863. }

Hon. F. M. Pixley, Attorney-General :

DEAR SIR :—In reply to your letter of the eleventh instant, relating to the title to lands adjacent to the State Prison, we can only say that our knowledge is confined entirely to what is called the sixteen acre tract, sold by John Center to the State. We inclose you the petition of Center, as containing the general facts, together with the reports therein referred to. Center conveyed to the State, under the Act of May sixteenth, eighteen hundred and sixty-one, (Statutes of eighteen hundred and sixty-one, page five hundred and six,) and we at that time furnished the Attorney-General very full abstracts and copies, all of which, with Center's deed, must be on file in the proper office. We have no doubt of the validity of the title conveyed by Center to the State. Should you need any other explanations we will cheerfully give them.

Very truly,

HOGE & WILSON.

MEMORIAL OF JOHN CENTER,

RELATIVE TO CERTAIN REAL AND PERSONAL PROPERTY OWNED BY HIM
AND SITUATED AT AND NEAR THE STATE PRISON.

To the Honorable Senate and Assembly of the State of California :

Your petitioner, John Center, respectfully represents that he is and

has for several years last past been the owner of a certain tract of land in the County of Marin, containing about sixteen acres, upon a portion of which the walls of the State Prison extend, and the whole of which is used in connection with the Prison, together with the improvements and fixtures, and also, large and valuable machinery.

Your petitioner and the State both claim title under the late San Francisco Manufacturing Company—the former, immediately, by virtue of an attachment, due legal proceedings, judgment, and Sheriff's deed; the latter, by conveyances from the San Francisco Manufacturing Company to Archibald Woods, and by the said Woods to the State.

The writ of attachment under which your petitioner claims the property was levied on the twenty-third day of June, eighteen hundred and fifty-four, whilst the title was still in the San Francisco Manufacturing Company. The conveyance by that company to Mr. Woods was executed on the sixth day of July, eighteen hundred and fifty-four, but not placed on record until the fourteenth of July, eighteen hundred and fifty-four. But not only did Mr. Wood, at the time of his purchase, have the constructive notice implied from the regularity of the legal proceedings, but actual notice from the officer levying the attachment; all of which your petitioner is prepared to maintain and prove. Mr. Woods, with this notice, took a mere quit claim deed of the property, subject to the lien of this attachment.

Your petitioner further represents, that before Governor Bigler and the then State Prison Directors purchased the said property from Mr. Woods, they were expressly notified by your petitioner's Agent of the existence and validity of the attachment liens, and they took, on behalf of the State, a mere quit claim of the property, leaving it subject to lien of the attachment. But so convinced were Governor Bigler and the State Prison Directors of the validity of the attachment, that they directed the sum of eight thousand dollars to be retained in the Controller's hands until this claim was satisfied or removed; but in some unknown way, the warrants were subsequently paid to General Estell or Mr. Woods, as your petitioner is informed and believes. Very shortly after the legal proceedings ripened into judgment, a sale was had by the Sheriff of the property referred to, and your petitioner became the purchaser, and, upon the expiration of the time for redemption, a Sheriff's deed was executed. In the meantime, the State officers had removed large and valuable improvements off the land, and carried large and valuable fixtures and machinery into other portions of the Prison grounds, and torn up and manufactured into bricks the main portion of the soil. Your petitioner further represents, that at the session of the Legislature of the year eighteen hundred and fifty-six, he presented his claim through the Honorable Joint Committee of the Senate and Assembly on the State Prison, and that Honorable Committee, after a full and careful examination of the subject, reported that the claim of your petitioner was perfect, good, and valid, and his title, under the attachment, prior to and better than the State's title under said Archibald Woods. Their report is contained in the Appendix to the Senate Journal for the seventh session, (eighteen hundred and fifty-six,) to which your petitioner prays leave to refer for a clear statement of the facts and law of the case. Your petitioner is the owner of the judgment under which the land and personal property was sold, and has received no satisfaction of the same, nor has it in any way been paid. Your petitioner seeks no speculation by the sale of the premises to the State, but is desirous of a

fair and amicable arrangement by which his rights may be protected, and that he may have the possession of his property relinquished to him, or his judgment and costs paid, or some other fair adjustment.

All of which is respectfully submitted.

JOHN CENTER.

January, A. D. 1860.

MINORITY REPORT

OF THE

Committee on Ways and Means,

MADE TO THE ASSEMBLY,

ON SENATE BILL NO. 215.

.....
BENJ. P. AVERY.....STATE PRINTER.

ASSEMBLY CHAMBER,
April 1st, 1863. }

MR. SPEAKER :

We, the undersigned, a minority of the Committee on Ways and Means, to whom was referred Senate bill No. 215, an Act to provide for the collection of taxes due on consigned goods, having had the same under consideration, beg leave to present the following report :

WM. R. WHEATON,
CYRUS PALMER,
JOHN W. WILCOX.



REPORT.

By the passage of this bill, it is proposed to create a Board of Commissioners, with full power to examine the books of merchants, and in a most offensive manner to pry into their private business, in order to secure the payment of a per centage tax, which it is alleged is due under an Act, the fundamental principles of which have been repeatedly declared invalid, on account of their unconstitutionality, by the Supreme Court of the United States. It is, however, alleged that in an ultra State's Rights opinion of Heydenfeldt and Murray this decision was *overruled*.

The amount of the money alleged to be due from this source is certainly greatly exaggerated; but for the purposes of this investigation, we will assume that there is, in the hands of some of the commission merchants, money which they have retained from their consignors as a per centage tax, and that they have not paid over the same to the State. Even a very limited knowledge of mercantile transactions and business laws, and a moment's reflection, will show that if, after paying this money to the State, the decision of the Supreme Court of the United States be held to be good law, they will be liable to their consignors for the amount thus paid; and, on the other hand, if, after returning the money to the consignors, the ultra State's Rights decision of Heydenfeldt and Murray be sustained, they will be liable to the State for the amount.

It is therefore important to all parties that this matter be settled by the proper judicial tribunals as soon as practicable, and if these sums be legally due the State, as is alleged, it is somewhat remarkable that the proper legal proceedings for their recovery have not been commenced. There is certainly no necessity for additional legislation on this subject, nor can we see any good reason in favor of the appointment of Commissioners to discharge the duties now devolving upon officers who have ample power in the premises.

Without questioning the good faith of the majority of the committee, we cannot ignore the fact which has so often been apparent in the course of legislation in this State, that a feeling of enmity against the merchants of San Francisco, and a desire to create offices mainly for the benefit of individuals, have been the principal agencies by which this measure has, from year to year, been thrust upon the attention of the Legislature.

As this case depends almost entirely upon legal questions, we wish to

direct attention to certain decisions of the United States Supreme Court, in which it is clearly established that the leading principle of this bill "is repugnant to that provision of the Constitution of the United States which declares that no State shall, without the consent of Congress, lay any impost or duty on imports or exports, except what may be absolutely necessary for executing its inspection laws; and to that which declares that Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes." (*Brown vs. the State of Maryland*, 12 Wheaton R. 419.)

It is not easy to see how any one who has carefully read that able and elaborate opinion by Chief Justice Marshall, can advocate the passage of a bill such as that under consideration, and we presume that the only justification for such advocacy is found in the opinion of Heydenfeldt and Murray, as rendered in the case of the *People vs. Coleman*, (4 Cal. 46,) in which they entirely disregarded the decision in *Brown vs. the State of Maryland*, and ruled in pursuance of a dissenting opinion of a single Judge in *Crow vs. the State of Missouri*, (14 Missouri R. 237,) admitting that the opinion of the majority of the Judges in the last mentioned case was decidedly against the constitutionality of any provision of law based upon the principles of this bill. We need not refer to the notorious fact that nearly all the decisions of Heydenfeldt and Murray which have been called in controversy have been reversed by succeeding Judges of the Supreme Court of California, and especially is this true in those cases in which, as in this instance, their judgment was based on their extreme State's Rights doctrines.

Heydenfeldt and Murray, in their decision, say that the case of *Brown vs. the State of Maryland* is "twenty-four years old, and that nearly all its principles have since been doubted, or overruled, and narrowed down, and frittered away, until its power for good or evil is gone;" (*People vs. Coleman*, 4 Cal. 61;) thus conceding that, if the decision in *Brown vs. the State of Maryland* be valid and binding, their decision is incorrect. Now, in answer to Heydenfeldt and Murray, it is only necessary to refer to the latest exposition of constitutional law on this point, as given by the Supreme Court of the United States, in *Almy vs. the State of California*, (24 Howard R. 169.) In this case last mentioned, Chief Justice Taney, who was the defeated Counsel in the case of *Brown vs. the State of Maryland*, gives as the *unanimous* opinion of the Court, the following:

"We think this case cannot be distinguished from that of *Brown vs. the State of Maryland*, reported in 12 Wheaton, 419. That case was decided in eighteen hundred and twenty-seven, and the decision *has always* been regarded and followed as the true construction of the clause of the Constitution now in question. * * * * *Brown* was an importing merchant in Baltimore, refused to pay the State tax, and was indicted in the State Court, which sustained the validity of the State law. This judgment was removed to the United States Supreme Court, by writ of error, and it will be seen, by the report of the case, that it was elaborately argued on both sides, and the opinion of the Court, delivered by Chief Justice Marshall, shows that it was fully and carefully considered by the Court."

We might refer to similar decisions in the celebrated License cases, and the Passenger cases—(5 Howard R., 574; and 7 Howard R., 455;) in all of which *Brown vs. the State of Maryland*, is cited as a binding decision. The State tax, declared unconstitutional in the case of *Brown vs. the State of Maryland*, was substantially the same as that to be collected

under the provisions of this bill, and hence it is evident that, so long as the decisions of the highest tribunals stand as the law of the land, it is sheer folly to create new offices, and subject our citizens to useless inquisitorial annoyances, that can result in nothing but expenditure on the part of the State, and ill feeling on the part of a most liberal and worthy portion of her citizens, whose constitutional rights have already been too often ignored by the Legislature of California. We think, however, the following clause in the Governor's Message, accompanying the veto of an Act of the same kind passed last session, is a sufficient argument in favor of the indefinite postponement of the bill. The Governor says :

"The bill creates a Board of three Commissioners, with most extraordinary and inquisitorial power, and some of its stipulations are, I believe, without precedent in the history of modern legislation, and in contravention entirely with the spirit of our institutions and of the age. The bill authorizes the inspection, by Commissioners appointed under it, of all the most private papers and books of accounts belonging to the person or persons whom the Commissioner *may believe* to be subject to the provisions of the Act, and gives to them the right to issue attachments for all books and papers of such persons, *however* valuable they may be, without providing adequate security for their safe keeping or return, and without specifying how long they may be retained, nor in what kind of a depository they are to be kept while in possession of the said Commissioners. *In this way the most private and important transactions of the merchant may be divulged, to his prejudice and possible ruin.* Books, and papers, and interests, involving a vast amount of capital, may be jeopardized and lost, and yet the Commissioners give no bond for the security of all these, nor for the proper discharge of their duties.

"The *impolicy, injustice, and danger*, to be apprehended from the passage of this bill, and its approval by the Executive, are so manifest that *I have no hesitation in returning it, without my signature, to the House where it originated.*"

We would, therefore, respectfully recommend that this bill be indefinitely postponed, and that all similar attempts to create official positions for the benefit of partisan favorites, and to subject any class of our citizens to the humiliating annoyance of an unnecessary and indiscriminate examination of their private books and papers, be abandoned, leaving to the properly constituted authorities the settlement of all questions such as that involved in this case.

WM. R. WHEATON,
CYRUS PALMER,
JOHN W. WILCOX.

REPORT OF STATE CONTROLLER

IN REGARD TO

THE SEMINARY FUND.

SENATE.

.....
BENJ. P. AVERY.....STATE PRINTER.

REPORT.

OFFICE OF THE CONTROLLER OF THE STATE OF CALIFORNIA, }
Sacramento, February 12th, 1863. }

To the Honorable the Senate of California :

In compliance with a resolution of the Senate, adopted January fifteenth, eighteen hundred and sixty-three, and communicated to me on the twenty-ninth of said month, requesting "the Controller of State to report to the Senate the amount of money received into the State Treasury belonging to the Seminary Fund, and what amount, if any, has been invested in State bonds, and placed to the credit of said Fund, from the passage of the Act creating the said Fund, up to this date," I have the honor to report, that the total amount paid into the State Treasury, and apportioned to the "Seminary Fund," from the passage of the Act creating said Fund to date, is the sum of five hundred and seventy dollars and fifty-nine cents (\$570 59,) and that no part of said amount has ever been invested in State bonds and placed to the credit of said Fund.

There was no "Seminary Land Fund" account opened upon the books of the Controller's office until the sixteenth of May, eighteen hundred and sixty-two. The money previously accruing from sales of Seminary Lands was placed in the "State School Land Fund."

The Act providing for the Seminary Fund seems to require the Board of Examiners, whenever there has accrued in said Fund the sum of ten thousand dollars, to advertise for the purchase of State bonds, etc.; but as that sum has never yet accrued to said Fund, the Board of Examiners have probably not considered it their duty to purchase bonds with the small amount which has heretofore been received into said Fund.

Respectfully submitted,

G. R. WARREN,
Controller.

REPORT OF THE RECORDING SECRETARY

OF

The State Agricultural Society,

FOR

THE YEAR 1862.

.....
BENJ. P. AVERY.....STATE PRINTER.

ANNUAL REPORT

OF

E. B. RYAN, RECORDING SECRETARY.

CASH RECEIPTS

From June, 1862, to January, 1863.

1862.	DR.	
June ..20	To Cash from A. K. Grim, former Treasurer.....	\$5 25
... 20	To Cash from D. O. Mills & Co., amount of loan.....	4,000 00
July.. 26	To Cash from D. O. Mills & Co., amount of loan.....	4,000 00
... 26	To Cash from A. K. Grim, on account of Pavilion	493 00
Oct.....4	To Cash from 128 new memberships, at Fair, 1862.....	1,280 00
... 4	To Cash from 562 renewals of membership, at Fair, 1862.....	2,820 00
... 4	To Cash from 10,823 single tickets, at Fair, 1862.....	5,411 50
... 4	To Cash from 842 double tickets, at Fair, 1862	842 00
... 4	To Cash from 1 life membership, at Fair, 1862	40 00
... 4	To Cash from rent of bar, at Fair, 1862...	50 00
... 4	To Cash from saloon, at Fair, 1862.....	40 00
... 4	To Cash from cider privileges, etc., at Fair, 1862.....	35 00
... 4	To Cash from hat room, at Fair, 1862.....	25 00
... 4	To Cash from 210 ball tickets, at Fair, 1862	1,050 00
... 4	To Cash from 16 carriage tickets, at Fair, 1862	4 75
... 4	To Cash from Eoff, on race, at Fair, 1862.	30 00
... 4	To Cash from sundry renewals of membership, on account.....	235 00
... 4	To Cash from proceeds of sale of buggy, etc	499 50
		\$20,861 00

STATEMENT OF EXPENDITURES

Paid by Orders drawn upon the Treasurer, from June 19, 1862, to January, 1863.

Date.	Name and Purpose.	Amount.
1862.		
June...19	Paid O. C. Wheeler, salary for December, 1861, and January, 1862.....	\$400 00
July.....1	Paid William Turton, repairing Stock Grounds.....	961 25
... 1	Paid William Turton, repairing Stock Grounds.....	800 00
... 1	Paid John Rider, repairing Stock Grounds.....	500 00
... 1	Paid John Rider, repairing Stock Grounds.....	443 50
... 1	Paid Visiting Committee, in month of June.....	78 50
... 1	Paid O. C. Wheeler, in month of July.....	100 00
... 19	Paid J. F. Clark, part of salary.....	17 00
... 26	Paid Ross & Simms, hay, etc.....	33 04
... 26	Paid M. Fitzpatrick, painting.....	16 95
... 26	Paid W. F. Knox, balance on lumber.....	140 05
... 26	Paid D. W. Earl, balance on grain.....	54 46
... 26	Paid R. P. Lee, Mrs. Nevett's account.....	30 00
... 26	Paid Democratic Standard, Talbert, assignee.....	13 15
... 26	Paid H. R. Covey, horse hire.....	17 50
... 26	Paid T. Ogg Shaw, balance on safe.....	67 50
... 26	Paid J. J. Murphy, stationery, etc.....	34 70
... 26	Paid Fireman's Journal, advertising.....	35 00
... 26	Paid J. K. Prior, globes.....	75 00
... 26	Paid F. S. Malone, livery.....	82 35
... 26	Paid Gas Company, gas.....	163 75
... 26	Paid P. Cadue, ice.....	37 66
... 26	Paid Samuel McCullough, rent.....	30 00
... 26	Paid Friend & Terry, lumber.....	128 10
... 26	Paid George W. Moore, assignee for Michner.....	112 90
... 26	Paid O. C. Wheeler, salary.....	99 50
... 26	Paid N. Larco, assignee of W. Yule.....	240 00
... 26	Paid B. F. Hastings, assignee of N. A. H. Ball....	75 00
... 26	Paid Boyd & Davis, assignees of N. A. H. Ball.....	150 00
... 26	Paid English & Madden, assignees of N. A. H. Ball.....	75 00
... 26	Paid H. S. Crocker & Co.....	10 95
... 26	Paid J. J. Murphy.....	35 40
... 26	Paid Thomas Day, assignee of Hanbridge.....	67 80
... 26	Paid O. C. Wheeler, salary for March.....	100 00
... 26	Paid P. Donahue, balance.....	35 00
... 26	Paid J. Blewitt.....	5 25
... 26	Paid John Emerson.....	30 00
... 26	Paid W. H. H. Lee, for the Union.....	3 25
... 26	Paid S. D. Smith.....	44 50
... 26	Paid J. B. Owens & Co.....	3 00
... 26	Paid A. Badlam, Sen.....	14 00

Date.	Name and Purpose.	Amount.
July...26	Paid M. Fitzpatrick.....	147 00
... 26	Paid Grimes & Felton.....	19 75
... 26	Paid J. M. Jordan.....	15 00
... 26	Paid Daily Union.....	7 37
... 26	Paid Fuller & Heather.....	2 25
... 26	Paid O. C. Wheeler, February, April, May, salary.....	300 00
... 26	Paid D. O. Mills & Co., half amount note and interest on loan	700 00
... 26	Paid D. O. Mills & Co., half amount note and interest on loan	700 00
Aug...11	Paid J. F. Clark, services as Clerk.....	67 25
... 13	Paid Visiting Committee, travelling expenses.....	100 00
... 14	Paid Daily Union.....	22 25
... 14	Paid Daily Bee.....	16 00
... 14	Paid A. Slater.....	2 50
... 14	Paid Fuller & Heather.....	9 25
... 14	Paid J. J. Murphy	62 80
... 14	Paid Lull, Ross & Co.....	8 00
... 14	Paid M. Fitzpatrick.....	30 00
... 14	Paid Friend & Terry.....	17 49
... 14	Paid S. T. Dodson.....	32 25
... 14	Paid A. Badlam, Sen., printing, etc.....	185 00
Sept...14	Paid N. L. Drew, lumber, etc.....	131 67
... 14	Paid Treadwell & Co., nails, etc.....	34 25
... 14	Paid W. F. Knox, labor.....	238 00
... 14	Paid J. M. Boardman, reeving halliards.....	30 00
... 29	Paid John Rider, work at Park.	169 00
... 29	Paid Burgess and Goff, work at Pavilion	25 00
... 30	Paid John Rider, labor, part pay.....	40 00
... 30	Paid B. F. Hastings, on account of old debt.....	650 00
... 30	Paid O. C. Wheeler, salary	499 50
... 30	Paid Lee, Watchman at Pavilion.....	15 00
Oct....4	Paid John Rimer, labor.....	28 00
... 4	Paid J. E. Merrill, labor.....	16 00
... 4	Paid W. A. Knapp, Clerk at Stock Grounds.....	25 00
... 4	Paid J. F. Smith, labor and Clerk.....	25 00
... 4	Paid G. W. Wheeler, Watchman at Stock Grounds..	20 00
... 4	Paid N. B. Kendall, Watchman at Pavilion.. ..	16 00
... 4	Paid H. L. Roby, labor at Pavilion.....	16 00
... 4	Paid Caroline Williams, Chambermaid at Pavilion..	12 50
... 4	Paid J. Dickerson, labor at Pavilion.....	16 00
... 4	Paid Purse Money, purses.....	612 50
... 4	Paid Wells, Fargo & Co., for silver ware.....	3,789 94
... 4	Paid Locke & Lavenson, upholstery	315 00
... 4	Paid James Anthony & Co., printing, etc.....	299 12
... 4	Paid T. B. Hatch, Clerk.....	30 00
... 4	Paid John Burgess, labor.....	27 50
... 4	Paid P. Kelly, hauling.....	25 00
... 4	Paid California Farmer, advertising	30 00
... 4	Paid F. McKay, Watchman.....	8 00
... 4	Paid J. T. Roberts, Door Keeper.....	16 00

Date.	Name and Purpose.	Amount.
...	4 Paid L. Whittier, Gate Keeper.....	16 00
...	4 Paid E. T. Cole, Watchman at Pavilion.....	16 00
...	4 Paid George Lang, Door Keeper.....	16 00
...	4 Paid John Liness, carpentering.....	4 00
...	4 Paid George Wallace, carpentering.....	10 00
...	4 Paid Samuel Deal, Gate Keeper	20 00
...	4 Paid D. C. Gay, Gate Keeper.....	20 00
...	4 Paid Pat. Long, Gate Keeper.....	20 00
...	4 Paid T. Cody, Gate Keeper.....	20 00
...	4 Paid Dellehanty, Night Watchman	20 00
...	4 Paid Kiernan, labor	20 00
...	4 Paid John Rider, labor.....	100 00
...	4 Paid C. Crocker, cotton cloth, etc.....	50 00
...	4 Paid J. F. Clark, Clerk.....	37 50
...	4 Paid J. Morrill, labor.....	20 00
...	4 Paid T. Lowry, labor	12 00
...	4 Paid A. G. Hoagland, Clerk.....	20 00
...	4 Paid E. B. Wheeler, Clerk.....	16 00
...	4 Paid S. T. Dodson, labor.....	84 00
...	4 Paid George Rowland, postage stamps.....	37 00
...	4 Paid O. Cunningham, whitewashing.....	25 00
...	4 Paid C. De Boice, Clerk.....	20 00
...	4 Paid James Queen, Clerk	25 00
...	4 Paid M. Fitzpatrick, painting and plastering.....	50 00
...	4 Paid Peter Goff, labor.....	30 00
...	4 Paid L. Lotthamer, music.....	300 00
...	4 Paid O. C. Wheeler, salary	300 00
...	4 Paid H. S. Beals, Usher and Assistants.....	36 00
...	4 Paid George Rowland, envelops and stamps.....	14 50
...	4 Paid N. L. Drew, lumber.....	422 76
...	4 Paid Huntington & Hopkins, hardware	90 00
...	4 Paid Sacramento Gas Company, gas.....	180 00
...	4 Paid William Mace, hay and straw.....	300 00
...	4 Paid John Rider, labor, etc.....	745 76
...	4 Paid P. Carly, labor.....	12 00
...	4 Paid J. Tingman, Clerk	20 00
...	4 Paid T. J. Owens, labor	6 00
...	4 Paid J. C. Morrow, labor.....	12 00
...	4 Paid T. J. McKim, running engine, etc.....	181 37
...	4 Paid W. Sheik, Watchman.....	16 00
...	4 Paid D. W. Clark, plumbing, gas fitting, etc	158 00
...	4 Paid L. Whittier, carpentering	20 00
...	4 Paid T. O'Brien, ornamenting	115 00
...	4 Paid Van Ryper & Co., labor.....	21 25
...	4 Paid G. H. Swinerton, pumps.....	85 00
...	4 Paid G. J. N. Monell, Clerk.....	30 00
...	4 Paid J. Beran, labor	15 00
...	4 Paid R. Bradley, labor.....	8 00
...	4 Paid M. T. Crowell, Door Keeper, labor, etc	40 00
...	4 Paid Sheriff, costs.....	31 30
...	4 Paid William M. Harron, disbursements	84 00

Date.	Name and Purpose.	Amount.
...	4 Paid John Bell, labor	8 00
...	4 Paid O. C. Wheeler, disbursements	8 00
...	4 Paid Sheriff, Monell garnishment.....	15 00
...	4 Paid John Dreman, Door Keeper at Pavilion.....	20 00
...	4 Paid F. T. Burke, Door Keeper at Pavilion	20 00
...	4 Paid E. B. Ryan, salary and disbursements.....	304 00
...	4 Paid O. C. Wheeler, salary.....	368 00
...	4 Paid F. W. Hatch, salary.....	262 00
...	4 Paid Hyatt & Hubbard, purse for Eoff.....	87 50
...	4 Paid Samuel McCullough, old debt and costs.....	45 00
...	4 Paid S. T. Dodson, carpenter work.....	25 00
...	4 Paid J. Taylor.....	20 00
...	4 Paid disbursements, Wells, Fargo & Co.....	2 50
...	4 Paid O. C. Wheeler, in cash and membership.....	175 00
...	4 Paid Friend & Terry, memberships on account.....	50 00
...	4 Paid W. F. Knox, renewals of membership, on acc't	55 00
...	4 Paid T. J. McKim, renewal of membership, on acc't	5 00
...	4 Paid M. T. Crowell, renewal of membership, on acc't	5 00
...	4 Paid M. R. Rose, renewal of membership, on acc't..	5 00
...	4 Paid N. Greene Curtis, renewal of membership, on acc't.....	5 00
...	4 Paid A. G. Hoagland, 2 renewals of membership, on acc't.....	10 00
...	4 Paid S. T. Dodson, 1 renewal of membership, on acc't.....	5 00
...	4 Paid N. L. Drew & Co., 2 renewals of membership, on acc't.....	10 00
...	4 Paid J. Rider, 1 renewal of membership, on acc't....	15 00
...	4 Paid W. Morehead, 1 renewal of membership, on acc't.....	5 00
...	4 1 renewal of membership, on account.....	5 00
...	4 By cash in hands of the Sheriff.....	169 00
...	4 By cash in hands of Harmon & Hartley.....	72 00
...	4 By cash in hands of C. H. Grimm.....	59 00
...	4 Paid sundries.....	108 41
	Total.....	\$20,861 00

STATEMENT OF LIABILITIES.

Date.	Names.	Amounts.	Total Amount.
NOTES.			
1860.			
April 28.	L. B. Harris—interest at $2\frac{1}{2}$ per cent.....	\$2,500 00	
	Interest due on same Jan. 28, 1863.....	2,063 50	\$4,563 50
Oct. 18...	N. Greene Curtis—interest at $2\frac{1}{2}$ per cent.	2,000 00	
	Interest due on same Jan. 18, 1863.....	969 86	2,969 86
Oct. 19...	Ross & Simms—interest at 2 per cent.....	500 00	
	Interest due on same to Jan. 19, 1863..	270 00	770 00
Oct. 19...	N. L. Drew & Co.—interest at 2 per cent.	500 00	
	Interest due on same to Jan 19, 1863..	270 00	770 00
Oct. 19...	D. W. Earl & Co.—interest at 2 per cent.	500 00	
	Interest due on same Jan. 19, 1863.....	270 00	770 00
Oct. 22...	H. W. Larkin—interest at 2 per cent.....	1,000 00	
	Interest due on same Jan. 22, 1863.....	540 00	1,540 00
Oct. 23...	Charles Crocker—interest at 2 per cent...	350 00	
	Interest due on same Jan. 23, 1863.....	189 00	539 00
May 1...	B. F. Hastings & Co.—interest at 2 per ct.	8,150 57	
	Interest due on same Dec. 1, 1862.....	1,172 75	
	Less am't realized by sale of safe..\$225 00	\$9,323 32	
	Less am't realized by rent of Park. 300 00		
	Less am't realized by cash paid... 650 00	1,175 00	8,148 32
	Total amount due on notes and interest.		\$20,070 68
	OPEN ACCOUNTS—BALANCES OF 1860.		
	Ross & Simms	\$33 05	
	M. Fitzpatrick.....	16 95	
	W. F. Knox.....	95 05	
	D. W. Earl & Co.....	54 46	
	R. P. Lee—Mrs. Nevett, assignee.....	30 00	
	Democratic Standard—Talbert, assignee..	13 15	
	H. R. Covey.....	17 55	
	T. Ogg Shaw.....	67 50	
	J. J. Murphy.....	34 70	
	Fireman's Journal....	35 00	
	J. K. Prior.....	75 00	
	F. S. Malone.....	82 35	
	Sacramento Gas Company.....	163 76	
	P. Cadue.....	37 66	
	Friend & Terry.....	178 22	
	Amount carried forward.....	\$934 40	\$20,070 68

Date.	Names.	Amounts.	Total Amount.
	Amount brought forward.....	\$934 40	\$20,070 68
	W. P. Michner—Geo. Moore, assignee....	112 89	
	G. H. Baker.....	27 45	
	N. Larco, assignee to W. Yule.....	240 00	
	B. F. Hastings & Co., assignee to N. A. H. Ball.....	75 00	
	Boyd & Davis, assignee to N. A. H. Ball...	150 00	
	English & Madden, assignee to N. A. H. Ball.....	75 00	
	H. S. Crocker & Co.....	10 95	
	J. J. Murphy.....	35 40	
	Thos. Day, assignee to Thos. Hanbridge. .	67 80	
	Friend & Terry.....	41 34	
	A. Badlam, Sen.....	67 00	
	OUTSTANDING BALANCES ON FILE MARCH, 1862.		\$1,837 23
	P. Donahue.....	\$35 00	
	John Emerson.....	30 00	
	W. H. H. Lee... ..	3 25	
	S. D. Smith.....	44 50	
	J. B. Owens & Co.....	3 00	
	A. Badlam, Sen.....	14 00	
	J. J. Murphy.....	62 80	
	Fuller & Heather.....	9 25	
	M. Fitzpatrick.....	147 00	
	Grimes & Felton.....	19 75	
	J. F. Jordan.....	15 00	
	Daily Union.....	7 37	
	Fuller & Heather.....	2 25	
	J. Blewit.....	5 25	
	Total Liabilities on old account to January, 1863... ..		\$398 42
	OPEN ACCOUNTS OUTSTANDING ON FILE FROM MARCH 1862, TO DATE.		\$22,306 33
	<i>Balances.</i>		
	J. L. Merrill.....	\$97 00	
	John Rider.....	54 39	
	Dennergy & Brother.....	18 00	
	Sacramento Gas Company.....	63 00	
	J. M. Jordan.....	15 00	
	Amount carried forward.....	\$247 39	\$22,306 33

Date.	Names.	Amounts.	Total Amount.
	Amount brought forward.....	\$247 39	\$22,306 33
	Dailey Bee.....	30 00	
	William Mace.....	391 28	
	William Mace.....	206 12	
	L. Lotthamer.....	240 00	
	J. Domingoes.....	19 00	
	L. Stanford.....	6 00	
	J. D. Tate.....	35 00	
	M. R. Rose.....	35 25	
	John Roche.....	35 50	
	Union Brass Band.....	15 00	
	Phil. Caduc.....	26 25	
	Williams & Calvin.....	12 00	
	D. W. Clark.....	13 00	
	James Lansing.....	20 00	
	Fuller & Heather.....	83 50	
	F. J. Moore.....	120 45	
	P. H. Russell.....	15 88	
	James Hawks.....	8 50	
	Leonard & Seaman.....	50 25	
	Leonard & Seaman.....	125 12	
	Leonard & Seaman.....	24 80	
	James Anthony & Co.....	13 50	
	James Anthony & Co.....	58 75	
	E. M. Skaggs.....	94 00	
	Paine & Brother....	12 00	
	S. Dodge.....	19 50	
	C. Crocker.....		
	John Rider.....		
	Hyatt & Hubbard.....		
	S. Tryen.....	81 00	
	M. Fitzpatrick.....	120 00	
	A. Badlam, Sen.....	17 50	
	Joseph Shaw.....	28 82	
	Joseph Shaw.....	200 00	
	H. M. Bernard.....	15 50	
	M. Devine.....	13 50	
	Mrs. Ames.....	62 50	
	J. L. Merrill.....	24 50	
	A. Lamott.....	24 50	
	A. G. Hoagland.....	95 00	
	S. B. Leavitt.....	68 25	
	Jones & Marizen.....	8 75	
	Richart & Stevens.....	6 00	
	Locke & Lavenson.....	105 43	
	Owen Cunningham.....	25 00	
	Huntington & Hopkins.....	24 44	
	C. S. Lowell.....	300 00	
	William Morehead.....	170 00	
	Amount carried forward.....	\$1,713 86	\$22,306 33

Date.	Names.	Amounts.	Total Amount.
	Amount brought forward.....	\$1,713 86	\$22,306 33
	Sacramento Gas Company.....		
	D. W. Clark.....	52 90	
	T. O'Brien.....	35 00	
	G. H. Swinerton.....	30 50	
	N. L. Drew.....	724 62	
	B. F. Hastings.		
			\$843 02
			\$26,473 58

PROPERTY AND CASH ASSETS.

1863.			
Jan.....	1	By State appropriation of November, 1862.....	\$5,000 00
...	1	By silver ware and books.....	778 97
...	1	By safe	
...	1	By fountain.....	1,500 00
...	1	By one large tent.....	400 00
...	1	By Agricultural Fund, County Treasury	937 00
...	1	By balance due from D. O. Mills & Co., on State	
...	1	appropriations.....	1,200 00
...	1	By one marble statue.....	150 00
...	1	By deficiency this day, to balance.....	16,507 61
			\$26,473 58
		Total deficiency to date brought down.....	\$16,507 61

CONDENSED STATEMENT

Of Receipts and Disbursements from May 15th, 1862, to —, 1863.

Name and Purpose.	Receipts.	Payments.
Received from A. K. Grim, former Treasurer	\$5 25	
Received from D. O. Mills & Co., loans.....	8,000 00	
Received from A. K. Grim, on account of Pavilion.....	493 00	
Received from State Fair of 1862, total receipts..	11,863 25	
Received from sale of buggy, etc.....	499 50	
By amount paid O. C. Wheeler, Corresponding Secretary.....		\$2,242 00
By amount paid Rider Turton, for repairs at Stock Grounds.....		3,759 51
By amount paid Visiting Committee, expenses....		278 00
By amount paid 50 per cent on old accounts of 1860.....		2,125 08
By amount paid D. O. Mills & Co., of 1860.....		1,400 00
By amount paid for lumber, etc.....		554 43
By amount paid for printing, etc.....		630 12
By amount paid purses.....		700 00
By amount paid B. F. Hastings, on old account...		650 00
By amount paid running engine, etc.....		181 30
By amount paid carpentering.....		413 25
By amount paid Wells, Fargo & Co., for silver ware.....		3,792 44
By amount paid music.....		300 00
By amount paid for Clerks.....		315 75
By amount paid for hay and straw.....		300 00
By amount paid for gas.....		180 00
By amount paid for halliards, etc		30 00
By amount paid for upholstery.....		315 00
By amount paid for stationery.....		62 00
By amount paid for ornamenting Pavilion.....		115 00
By amount paid for plumbing, etc.....		158 00
By amount paid for plastering.....		80 00
By amount paid for pumps.....		85 00
By amount paid for Sheriff's costs.....		46 30
By amount paid for disbursements by Harron....		84 00
By amount paid part of salaries of Treasurer and Recording Secretary.....		566 00
By amount paid S. McCullough, old debt and costs.....		45 00
By amount paid sundries, labor, material, etc.....		869 41
Amount carried forward.....	\$20,861 00	\$20,277 59

Name and Purpose.	Receipts.	Payments.
Amount brought forward.....	\$20,861 00	\$20,277 59
By amount paid renewals of memberships, etc., on account.....		175 00
By cash in hands of Sheriff,		169 09
By cash in hands of Harmon & Hartley		72 00
By cash in hands of C. H. Grimm.....		59 00
By cash paid sundries.....		108 41
Total receipts and disbursements.....	\$20,861 00	\$20,861 00

E. B. RYAN,

Recording Secretary.





MESSAGE OF THE GOVERNOR
TO THE
LEGISLATURE OF CALIFORNIA,
TRANSMITTING
REPORT OF COMMISSIONER TO NEVADA TERRITORY,
WITH CORRESPONDENCE, ETC.

BENJ. P. AVERY.....STATE PRINTER.

MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 30th, 1863. }

To the Honorable the Senate and Assembly of California :

I have the honor to transmit herewith the report of the Honorable Robert Robinson, and accompanying documents, in reference to our eastern boundary line, and the disputes growing out of the uncertainty as to jurisdiction between the authorities of the Territory of Nevada and our own State.

Judge Robinson was, on the fourth day of March, appointed by me as Agent to visit the Territory of Nevada, to ascertain fully the nature of the difficulties arising out of the conflict of jurisdiction, and to confer with the Governor of the Territory of Nevada in reference to a basis of settlement of past difficulties, and to prevent others in the future.

As to the boundary north of the initial point in Lake Bigler, where the one hundred and twentieth degree of longitude crosses the thirty-ninth degree of north latitude, there really seems no cause for serious dispute, as the line run by Messrs. Kidder and Ives, gentlemen appointed by the authorities of Nevada Territory to ascertain portions of the boundary line between the Territory and our State, have determined the disputed territory to be within our jurisdiction. This should be accepted as the true line until the line can be run by a joint commission.

But, southerly, there is a serious difficulty; the line as ascertained by the same respectable gentlemen, makes the Territory of Nevada to include within its limits the thriving and important Town of Aurora, the present county seat of Mono County, together with some of the richest and most valuable mining localities either in the State or Territory. Interests of great magnitude are to be affected by a change of jurisdiction, even though it be but temporary.

The Governor of Nevada Territory intimates very strongly that after the eighth of April next he may proceed to appoint officers for and to establish a county government for Esmeralda County, in said Territory, of which Aurora is to be the county seat. To do this in so populous and important a district, is at once to complicate matters, and pave the way for serious difficulties. With the prospect of an early settlement of the boundary line by a joint commission, I trust his Excellency, Governor

Clemens, will think better of his determination to organize the County of Esmeralda, and wait for the action of the commission.

Should the action of the Legislature provide for the early adjustment of the boundary line, I will lose no time in reporting the same to his Excellency, with such accompanying representations as to the impolicy of doing anything to further complicate matters at this time, as shall appear to me substantial and valid.

The draft of the proposed agreement suggests matters for legislation, aside from the mere determination of the boundary line. The importance of these suggestions will be readily seen, and I would most respectfully call the attention of the Legislature to the propriety, at this time, of providing for a full settlement of all questions arising out of the want of jurisdiction, either on the part of the authorities of this State, or those of the neighboring Territory.

That provision should be made for running and establishing the boundary line as early as possible there can be no question; and I am assured by the Governor of Nevada Territory that he will appoint a commission to act in conjunction with one from this State to run said line.

LELAND STANFORD, Governor.

[Copy.]

REPORT OF SHERIFF OF PLUMAS COUNTY.

To His Excellency, Leland Stanford, Governor of California :

It is a fact very generally understood that Honey Lake Valley, since its first permanent settlement in eighteen hundred and fifty-seven, has been a portion of Plumas County, and until the date of the occurrences to be hereafter related, has been under the jurisdiction of the said county.

In the fall of eighteen hundred and sixty-two, the Territorial Government of Nevada organized this section of country into a distinct county as a portion of Nevada Territory, the Governor of which immediately appointed the following officers: John S. Ward, County Judge; David M. Harrison, Clerk of District Court; — Barrett, Clerk of County Court; William Hill Neighly, Sheriff; Frank Drake, Treasurer. Judge Mott, of the First Judicial District of Nevada Territory, came over and swore these officers in about the twentieth of January, eighteen hundred and sixty-three. Immediately after which, the first term of the District Court was held and adjourned, there being no business. The County Judge, J. S. Ward, then issued an injunction against W. G. Young, a Justice of the Peace, duly and legally elected by the voters of Plumas, restraining him from exercising the functions of his office, which he refused to obey, and was arrested on a warrant issued by the said J. S. Ward, and fined one hundred dollars for contempt of Court. On the fourth day of February, in my official capacity as Sheriff of Plumas County, I received warrants for the arrest of the said John S. Ward, County Judge, and William Hill Neighly, Sheriff of the so called Roop County, Nevada Territory, issued by the Honorable E. T. Hogan, County Judge of Plumas County. On Thursday, February fifth, I proceeded to

Susanville, Honey Lake Valley, for the purpose of serving the said warrants, and on Friday, the sixth instant, an injunction was served on me, purporting to issue from the Court of the First Judicial District in and for Nevada Territory, signed by John S. Ward, Probate Judge of Roop County, and served by — Parkinson, a Deputy Sheriff of said county, restraining me and all other Plumas County officers from exercising jurisdiction in or over any portion of the so called Roop County. This injunction I refused to obey. On Saturday, the seventh instant, I arrested William Hill Neighly, and sent my Deputy, Mr. Byers, to the residence of Mr. Ward to arrest him, and to meet me at Lanegar's rancho, which he did. Having to wait a short time for a horse for Ward to ride, myself, Neighly, and two witnesses started ahead, leaving orders for Byers and Ward to follow as soon as the horse arrived. As Ward was about to mount his horse, Isaac Roop interfered, and said that Ward could not go, and took hold of Ward to prevent his leaving, which caused a tussle between Roop and Byers, ending in Roop desisting for the time, and allowing Byers to proceed. Roop then went back to a point half a mile down the road, where he had seven men on horses posted, and armed with shot guns. With this addition, he again followed Byers, overtaking and surrounding him, drawing their guns, again demanded the surrender of Ward. Byers, seeing resistance was useless, concluded to return to the rancho, still retaining possession of his prisoner. From this point he instantly sent a messenger after me with a note, informing me of all that had occurred since I left.

The great depth of snow on the mountains made it impossible for me to proceed, and as I had turned, satisfied I could not cross the summit, I was met by the messenger. On reading the note, I told Neighly he was at liberty to go where he pleased on his giving me his word that he would be forthcoming at any time I demanded his presence. This he agreed to. I then returned to the ranch where Byers had taken his prisoner, and discovered that I would have to cross the mountains, at all hazards, for assistance. This I done, and summoned a *posse* of ninety men, in American and Indian Valleys; returning, reached Honey Lake Valley on Friday, the thirteenth of February. On reaching Susanville, I found the mob fortified in a log house that had been built and used as a fort against the attacks of the Indians, numbering from seventy-five to one hundred men, all armed and prepared for a desperate resistance, having, by their own admission, six hundred shots in the fort. They sent out a white flag, and laid off their lines. All of this day was spent in endeavoring to adjust matters amicably.

On Sunday, the fifteenth, with a force of forty men, I took possession of a barn within a distance of perhaps two hundred yards of the fort. They then gave me notice that if I did not vacate the barn at once they would fire on it. I then proceeded to fortify the barn and put it in as perfect a state of defence as the nature of circumstances would permit, by using the floor and sleepers for breastworks..

Deputy Sheriff Kellogg went out with a detachment of five men, taking with them a rope to draw in a large stick of hewed timber which laid about one hundred feet from the barn. After making the rope fast, they were told from the fort that if they moved the stick they would be fired on. Taking no notice of this order, they commenced moving the timber, when ten shots were fired from the fort, one of which took effect in the thigh of William Bradford, shattering the bone, at a distance of five inches below the hip joint. Bradford fell; the rest went on with the stick to the barn. Kellogg returned at once to the assistance of Brad

ford, and, while bringing him in, was fired on five times. At this, my men instantly returned the fire from the barn, which was kept up by both parties for about four hours. Deputy Sheriff Byers, while passing through the town, was fired on five times.

At two o'clock, P. M., a deputation of the citizens from the town, with a white flag, came to the barn and requested permission to pass to the fort, to see if they could not get a cessation of hostilities until five o'clock, with the hope of settling matters without further bloodshed. This armistice was agreed to by both parties. Failing to agree when the hour expired, the time was extended until nine o'clock the next morning. During this time the mob were continually receiving reinforcements from all parts of the valley. I received word about this time that I would be reinforced by one hundred men in ten days. At twelve o'clock, midnight, I was waited on by a committee of the citizens of the town, with a petition signed by sixty-five of the residents of Susanville, imploring me to suspend operations, as the mob threatened to burn the town in the event of my not yielding to their dictations. I agreed to stop all further proceedings on these conditions: That they, the mob, should immediately disband, and both parties cease to exercise jurisdiction until the matter could be properly laid before the Governors of California and Nevada Territory. This was mutually agreed to. My reasons for making and agreeing to this proposition, were simply these: That I thought the fight too great a one for the County of Plumas to carry on, and had I gained my point, perhaps at the expense of forty or fifty lives, the question of jurisdiction would have still remained unsettled. Their loss already, as reported to me, was one man killed and four wounded, one of which latter was Judge Ward.

The above is a narration of the facts precisely as they occurred. All of which is respectfully submitted.

[Signed:]

E. H. PIERCE,
Sheriff of Plumas County.

Sacramento City, March 2d, 1863.

[Copy.]

REPORT OF JOINT COMMITTEE AT SUSANVILLE.

SUSANVILLE, HONEY LAKE VALLEY, }
February 16th, 1863. }

To his Excellency, Leland Stanford, Governor of the State of California:

At a meeting of the citizens of Honey Lake Valley, held on the sixteenth day of February, eighteen hundred and sixty-three, we, the undersigned, were appointed a committee to report to your Excellency, on behalf of the people of Honey Lake Valley, upon the unfortunate collision that took place between the officials of Plumas County, California, and the officials of Roop County, Nevada Territory, growing out of the question of jurisdiction, and further, to request you, in conjunction with the Governor of Nevada Territory, to make as speedy arrangements as possible to

effectually settle the question of jurisdiction, a matter of vital importance to the citizens of this valley.

Soon after the organization of Roop County, Nevada Territory, a writ of injunction was served upon William J. Young, who was there acting as a Justice of the Peace in and for Plumas County, California, commanding him to cease all judicial proceedings within the limits of Roop County, Nevada Territory, who, failing to comply with the requirements of said injunction, was arrested and brought before J. S. Ward, Probate Judge of Roop County, and fined one hundred dollars for a contempt of Court. Subsequently, upon the complaint of William N. De Haron, warrants were issued by E. T. Hogan, County Judge of Plumas County, California, for the arrest of William H. Neighly, Sheriff, and J. S. Ward, Probate Judge of Roop County, Nevada Territory. The warrants were placed in the hands of E. Pierce, Sheriff of Plumas County, who proceeded to make the arrests. Pierce started with Neighly across the mountains, for Quincy, but owing to the depth of snow, was unable to get his prisoner over. Deputy Sheriff Byers, who had Judge Ward in charge, owing to some delay, was overtaken by a number of citizens of this valley, who rescued Ward and brought him back. In the meantime, Pierce crossed the mountains with a view to raise men sufficient to arrest the prisoners; and Neighly, Sheriff of Roop County, issued a proclamation calling on all able bodied citizens to arm and hold themselves in readiness to aid in the execution of the laws, and put down insurrection, etc. On the fourteenth instant, Sheriff Pierce, at the head of about one hundred men, armed with deadly weapons, marched into Susanville, and occupied the upper end. Neighly and Ward, with the Nevada forces, occupied a small log house, well fortified, at the lower end of town. Early on Sunday morning, Pierce, by a sudden movement, took possession of a large barn about one hundred and fifty yards from the position of the Nevada party, and nearly opposite. Here he commenced to fortify, by moving some large timbers, close by, into said barn. The Nevada men, who were there in speaking distance, warned the Plumas party not to remove the timber, or they would fire. This they repeated three or four times. The Plumas men seized the timbers, and proceeded to carry them away. Five or six shots were immediately fired by the Nevada party, one only taking effect, wounding a Plumas man severely. Both parties continued to fire briskly for three or four hours. There were but two men wounded on the Nevada side, viz.: Ward and White, both slightly. These are all the casualties known by this Committee resulting from this unfortunate affray. Through the agency of the citizens of Susanville, an armistice was arranged between the belligerents to last for four hours. The citizens zealously endeavored to effect a compromise, which resulted in the following, to wit: That Pierce, as Sheriff of Plumas, and Neighly, as Sheriff of Roop, and a committee of the citizens of this valley, agreed that each party should disband, that each Sheriff should make a report to their respective Governments, strictly in accordance with the facts, and further to urge upon them the necessity of taking immediate action for the settlement of this vexed question of jurisdiction; in the meantime, neither party to exercise jurisdiction in this valley, and that a committee of citizens should also make a report of the facts of this affray to each of the Governors, asking of them to take such steps as would bring about a settlement of the controversy as soon as possible.

Without wishing to blame or excuse either party, the committee would state that in all probability each party thought itself justified by law in all its actions. The eastern boundary of the State is not definitely

known; some are of opinion that it is east of us, and others that it is west. For the sake of our schools it is necessary that we should know where to apply for our school money. When we are assailed by Indians, as we frequently are, it is necessary that we should know where to apply for assistance. For very many important reasons, it is absolutely necessary that the question should be settled, and that as soon as possible.

[Signed :]

ISRAEL JONES,
DAN MURRAY,
ISAAC ROOP,
WM. J. YOUNG,
Committee.

LETTER OF GOVERNOR STANFORD TO JUDGE ROBINSON.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 4th, 1863. }

SIR:—You are hereby authorized and empowered to proceed to Carson City, Nevada Territory, as the accredited Agent of the State of California, and confer with his Excellency, Orion Clemens, Acting Governor of said Territory, relative to disputes as to jurisdiction on the eastern boundary of this State.

You will use your best endeavors to arrive at some basis upon which a settlement can be made of the difficulties arising out of the question of jurisdiction between the people of this State and those of Nevada Territory.

You will please report to me from time to time, as in your judgment is considered necessary.

I am, very respectfully,

Your obedient servant,

[Signed :]

LELAND STANFORD.

Hon. ROBERT ROBINSON, Sacramento.

PROPOSED BASIS OF SETTLEMENT FROM Gov. CLEMENS.

A difficulty having heretofore existed between the authorities of the State of California, and the authorities of the Territory of Nevada, caused by the uncertainty of the boundary line; and, whereas, the officers and citizens of Plumas County, in the State of California, and the officers and citizens of Roop County, in the Territory of Nevada, have requested the Governors of said State and Territory to determine and settle said boundary line and jurisdiction, and pledging themselves in the meantime to keep the peace and abide by the decision and settlement of the said Governors; the Governor of the State of California having

duly commissioned Robert Robinson to act for him and as the Agent of the State of California; the said Robinson, and his Excellency, Orion Clemens, Acting Governor of the Territory of Nevada, met at Carson City, in the Territory of Nevada, and after fully considering the existing and threatened difficulties, have agreed upon the following propositions:

First—That the Governor of the Territory will appoint a Commissioner to meet a Commissioner appointed by the State of California, to run and permanently establish the boundary lines between the State of California and the Territory of Nevada during the present year.

Second—That for the purpose of keeping the peace, and avoiding any further conflict of jurisdiction, the boundary line running north from the initial point in Lake Bigler, shall be considered as temporarily established, according to De Groote's Map, and crossing the east end of Honey Lake. That until the true line shall be run and established, the officers of said Territory, and especially of Roop County, shall exercise no authority west of that line; and that the officers of the State of California, and especially the officers of Plumas County, shall exercise no jurisdiction east of said line. And that west of said lines the officers of the State of California shall exercise their full jurisdiction, according to the laws of said State, and the citizens will be governed thereby. East of said line the officers of the Territory will exercise jurisdiction, under the laws of the Territory, and the citizens will be governed by the same. And if the officers and citizens quietly and peaceably observe and carry out this agreement, then all pre-existing difficulties shall be overlooked, and a full amnesty be granted to all who were in good faith endeavoring to execute the laws of their several supposed jurisdictions.

Third—That we will recommend to the Legislatures of the said State and Territory to make full and ample provisions by law for the transfer and enforcement of judgments, and the rights of property acquired or to be acquired along any portion of the boundary line between said State and Territory, so that when the true line shall be established, if any portion of the Territory of the State of California shall have been governed and controlled by the officers of the Territory of Nevada, all rights acquired thereunder shall be fully acknowledged and protected. And if any portion of the Territory of Nevada shall be governed by the laws and officers of the State of California, all rights acquired thereunder shall be fully acknowledged and protected; and that any taxes collected by either party upon territory which shall finally be shown by the true line to belong to the other party, shall be refunded after said line shall have been established.

Fourth—Acting Governor Clemens agrees to the foregoing propositions, except as to future exercise of jurisdiction, and agrees to that on condition the Governor of California will recognize the line as run by John F. Kidder—southeastwardly from the initial point in Lake Bigler, crossing Mount Braly two miles eight chains south, fifteen degrees thirty-four minutes west from flagstaff in centre of Aurora—as the boundary between the State of California and the Territory of Nevada, until the boundary can be permanently established, and to give the California Legislature time enough to act, the Governor of Nevada Territory will not organize Esmeralda County until the eighth of April, eighteen hundred and sixty-three; but that from and after that date and until the permanent line shall be run and established, the officers of the State of California, and especially of Mono County, will exercise no authority

east of said line as run by Kidder; and that east of said line the officers of the Territory of Nevada shall exercise full jurisdiction according to the laws of said Territory, and the citizens will be governed thereby, the town of Aurora being recognized as the county seat of Esmeralda County and within the Territory of Nevada.

Carson City, March 21st, 1863.

REPORT OF JUDGE ROBINSON TO GOVERNOR STANFORD.

SACRAMENTO, }
March 27th, 1863. }

To His Excellency, Leland Stanford, Governor of California :

In accordance with your request, on the fifth of March I proceeded to the Territory of Nevada, for the purpose of ascertaining the facts in relation to the late difficulties in Honey Lake Valley, and concerting such measures with the Governor of Nevada Territory as should prevent a recurrence of such difficulties in the future between the authorities of the State of California and the authorities of the Territory of Nevada.

The facts in relation to the Honey Lake difficulties are very fully and fairly stated in the report of the Sheriff of Plumas County, the report of the Sheriff of Roop County, Nevada Territory, and the report and stipulation of a committee of both parties, copies of which are herewith inclosed.

These difficulties have grown out of the inconsiderate and hasty action of the Legislature of the Territory of Nevada in organizing the County of Roop upon the line proposed in the organic Act, which can only be effective by the consent of the State of California, which has not been given; our east line being the one hundred and twentieth degree of longitude, until it reached the thirty-ninth degree of north latitude, then running in a straight line, nearly southeast, until it reaches a point where the thirty-fifth degree of north latitude crosses the Colorado River.

The one hundred and twentieth degree of longitude runs near the east end of Honey Lake, while the proposed line by the organic Act of the Territory is upon the summit of the Sierras, at least forty miles west of that line. Our County of Plumas extends eastwardly to the State line. The territorial County of Roop, as at present organized, extends to the summit of the Sierras, with Susanville as the county seat; which place is about thirty miles within the State of California. This difficulty might have been more easily settled were it not for an impending difficulty of more importance because of its greater magnitude. At the point of difficulty, in Plumas and Roop Counties, it is a farming country, with comparatively a small population, and but little change of property.

At the other point of difficulty, to wit: between the County of Esmeralda, in the Territory, on one side, and the County of Mono, in this State, upon the other, there is a large and growing town, or I might say city, surrounded by one of the richest mining regions of either State or Territory, and a constant succession of changes of property, and much

litigation growing out of conflicting interests in mining property. It therefore becomes of the utmost importance that the jurisdiction should be settled at the earliest possible period, for the equal protection of the persons and property of the people within the State and Territory residing in the Counties of Esmeralda and Mono.

Last year the Legislature of the Territory by law authorized and made an appropriation for a survey of the line, commencing at the initial point in Lake Bigler, at the crossing of the one hundred and twentieth degree of longitude and the thirty-ninth degree of north latitude, as established by Lieutenant Ives and the California Boundary Commission, and running thence southeastwardly to the point on the Colorado where the thirty-fifth parallel crosses the same. This line was run by Messrs. Ives and Kidder, Engineers and Surveyors, of known skill and ability. They report the line as running so as to leave the flagstaff in the Town of Aurora, (the County Seat of Mono County,) one mile and seven tenths, at right angles with said line, within the Territory. Acting upon this survey, the Legislature, at its last session, organized the County of Esmeralda, with Aurora as its county seat. The officers of the county have not yet been appointed, because of the apprehended difficulty, but must be soon appointed to prevent a greater difficulty. The population of the county is large, and increasing very fast, and it amounts to a denial of justice and protection to longer delay its organization.

After having several interviews with Acting Governor Clemens, he desired and did call a council of Judges and other Territorial officers, and after a careful review of all the facts and circumstances, it was believed best to fix upon some temporary line which should be considered and acted upon as the boundary until the true line could be established.

I omitted before to state that Messrs. Ives and Kidder also run the line north from the initial point at Lake Bigler to Honey Lake for the purpose of evidence in a murder trial, and found the line to be near the east of Honey Lake. There was, therefore, no difficulty in agreeing upon the line at that point, provided we could also agree upon the line as found by them at Aurora. This I did not consider myself authorized to concede, as it would leave the County of Mono without a county seat.

Finding that no further progress could be made in the matter, four (4) propositions were reduced to writing, which fully explain themselves, and are herewith transmitted for your consideration. They are not signed, but copies were retained by Governor Clemens, so that in case you should approve them, they can be signed and transmitted, and our Legislature, now in session, can take such action as they shall think proper in the premises.

In the event of a temporary line being established, it was further agreed that the Governors of the State and Territory should each issue a proclamation to persons residing upon either side of the line, enjoining upon them a due observance of the terms of the adjustment.

Inclosed find a traced copy of map of the line run by Ives and Kidder, from Lake Bigler to Aurora, and sketch of the environs of Aurora, showing the courses and distances from the line, and the point where it crosses the summit of Mount Braley. I have also furnished your Excellency with a certified copy of an Act passed by the last Territorial Legislature, providing for the transfer of judgments and preservation of rights acquired under the California Courts, and would recommend the passage of a similar Act by our Legislature. I would also suggest that the Legislature consider the necessity of an Act to legalize the action of the Courts and

the protection of rights acquired in Mono County, in case it should be found that Aurora is in the Territory of Nevada, and therefore out of the jurisdiction of the State of California.

In conclusion, permit me to press upon your attention the absolute necessity of having a speedy settlement of the boundary line before any greater difficulties appear, and of fixing a temporary line which shall tend to keep the peace on the border in the meantime.

All of which is respectfully submitted.

I remain,

Your obedient servant,

ROBERT ROBINSON.

[Signed :]

LECTURE ON GEOLOGY,

DELIVERED

Before the Legislature of California,

AT

SACRAMENTO, THURSDAY EVENING, MARCH 19, 1863.

BY J. D. WHITNEY, STATE GEOLOGIST.

.....
BENJ. P. AVERY.....STATE PRINTER.

LECTURE.

Gentlemen of the Senate and Assembly :

It is now a little more than two years since the Geological Survey of California was commenced, under the supervision of the person who now stands before you, in obedience to your invitation, to answer the question, WHAT ARE THE RELATIONS OF THIS WORK TO THE INTERESTS OF THE STATE ?

I thank you, gentlemen, for the opportunity thus afforded me, of entering more fully than I should otherwise have been able to do, into the objects of our labors, the progress which has thus far been made in them, and especially the advantages of their further continuance. By the term of the resolution under authority of which I am now addressing you, I am to set forth the relations of the Geological Survey to the interests of the State. Not to any one interest in particular ; but to all the interests which are in any way affected by it. If, in short, I can show that the Survey is a "paying institution," it will be your duty and pleasure, I presume, to vote the necessary appropriation for its continuance ; if, on the other hand, it cannot be made to appear that our work is of practical value, it will be equally your duty to put an end to it by withholding the "rocks," without whose testimony we can hardly get on, either in scientific or practical pursuits—I mean the pocket specimens which come under the metallic denomination of "tin."

Studying brevity, I will endeavor to arrange what I have to say as systematically as possible, and plunging at once into my subject, will speak—first, of Geological Surveys in general, the objects to be accomplished by them, and the benefits which are believed to have resulted from their prosecution in other parts of the world ; then, secondly, and more particularly, will set forth what may be expected to be brought about by the work in which we are engaged, making the practical application of what has preceded to the condition and wants of our own State.

Mining has been followed as a business for many hundreds or thousands of years, while Geology is a study which hardly dates back more than fifty. It may be asked, then, if our ancestors got on without science for so many centuries, why cannot we do as well as they did ? We can do as well, but wish to do, and are doing, much better than they did.

When Geology first began to be talked about, England was producing a hundred thousand tons of iron per annum; now she makes nearly four million. Then she drew from the bowels of the earth a few thousand tons of coal a year; now she furnishes hard on to a hundred millions—more than equal in value to the produce of all the gold mines in the world. But it may be claimed that this immense increase has not necessarily anything to do with Geology as a science. Such, however, is not the opinion of the Government of that country, which again and again has had the matter investigated by committees, taking evidence from persons of all classes and professions, and so positive has been the proof that there was a vital connection between science and progress, that the Geological Survey is now as much a settled part of the machinery of the kingdom as the Penitentiary, the Courts of Law, or any other benevolent institution.

Indeed, when Geology first began to rise on a scientific basis, all the Governments of Europe recognized, at once, that a new power was placed in their hands for the development of their mineral resources; that what had been before almost exclusively a matter depending on blind chance, was now to acquire some certain foundation, and thus the greatest drawback to the prosperity of this all important branch of the nation's power was to be removed. Thus rapidly, one after the other, the various European Governments set on foot the most minute Surveys of their respective dominions, most of which are still going on—the scale of completeness on which they are organized being such as to demand almost an indefinite period for the completion of the work.

In this country, the United States almost immediately followed the example set on the other side of the water, Massachusetts leading the way with a thorough scientific Survey in all departments, and one by one all the other States following her example, on a more or less extensive scale, according to their means and the importance of their mineral interests.

I have never heard it denied by any one who had given the subject any examination, that these Surveys had done much towards forwarding the development of the resources of the States in which they have been carried on, and I know, from personal observation, that many of the geological reports are considered almost indispensable by those who are engaged in any enterprise connected with the subjects which are treated of in those reports. It is true, that Geological Surveys in this country have had great difficulties to contend with; when first commenced, about the year eighteen hundred and thirty-six, there were no trained geologists in the country; the knowledge of the sequence of the rocks was very imperfect, and the means of comparison with the formations of other countries exceedingly deficient. There were no schools on this continent where anything like a practical knowledge of those branches of science which were most needed for works of this kind could be acquired; so that many mistakes were made, and much published that was deficient and imperfect in its character. In spite of these disadvantages, however, Geological Surveys have been popular, and have been sustained in almost all the States, and have triumphed over all opposition.

Statesmen and learned men in Europe have, again and again, in their various publications, referred to the Geological Surveys carried on in this country as evidence of the energy and far-sightedness of the people. I recollect, myself, hearing M. Guizot, when at the head of the Ministry of France, in a speech before the Chamber of Deputies, allude particu-

larly to these surveys as having had a great influence on the development of the resources of this country. As I said on another occasion, it is impossible that the whole civilized world should be united in one grand mistake on this subject, and the fact that Geological Surveys are, or have been, carried on wherever a civilized race has obtained a footing, even in Australia and far off New Zealand, is sufficient proof that there is but one opinion as to their usefulness among statesmen and political economists.

When the present war broke out, Surveys were going on in almost all the States of the Mississippi Valley, and in some of those on the Atlantic seaboard, where they had not previously been completed. Maine, Vermont, Indiana, Wisconsin, and Michigan, have had reports published within the last few months, showing that the work is not entirely stopped in spite of the horrors and calamities of war, brought so much nearer to them than it is to us.

But to turn more particularly to our own Survey, and the benefits to the State of California which may be expected to result from it.

The connection of the Survey with the material interests of the State is a subject which I wish to bring prominently before your minds on the present occasion. I hope to be able to demonstrate that the money laid out on our work is a good investment for the people, looking at it from a purely material point of view; that if it did not touch the higher interests of the State, it would still be a desirable institution, from its direct and absolute connection with the development of the mineral resources of the Pacific coast.

Let me take up some of the various departments into which this Survey is divided, in accordance with the spirit of the Act under which we are at work, and see how each branch is related to the interests of the State. And first, the *Topographical Department*.

As all know, California is covered with a vast network of mountain ranges, separated by comparatively narrow valleys, with the exception of those of the Sacramento and San Joaquin, which do not, together, cover more than one-fifteenth of the area of the State. The remaining fourteen-fifteenths may be called mountainous, as the valleys include but a small portion of its surface. But our knowledge of the detailed geography of these mountains is exceedingly vague and imperfect. To many a large area, indeed, the designation of terra incognita, may, with propriety, be applied. How little is known, for instance, of the mountain range, a hundred miles long, and thirty or more broad, which extends from Point Pinos, near the Bay of Monterey, south along the coast! Even the Coast Survey has, thus far, given it the cold shoulder, leaving it for the geological explorer first to penetrate its chapparal-covered heights, all bristling with grizzlies. How little do we know of the character of the Sierra, from Mono Lake south, through Fresno, Tulare, and Buena Vista Counties! Of the northeastern corner of the State, or of the vast area, as large as New York, embraced in the unexplored portion of Mendocino, Trinity, Humboldt, Klamath, and Del Norte Counties! Or, to come nearer the centre of the State, and into the comparatively settled and explored portion, have we not recently examined a district as large as the State of Connecticut, in the Monte Diablo range, absolutely unvisited before, except by a few hunters and shepherds? And have we not made known the fact, not before suspected, that there is, within sight of San Francisco, a range of mountains of which the culminating point is higher by six hundred feet than Monte Diablo itself? We beg pardon of

his Satanic majesty for having taken him down a peg or two, however inclined we might be to give the devil his due.

It may be said the geographical work does not properly belong to the Geological Survey, and that we ought to content ourselves with the geology, and leave the geography to posterity; that the geographical work will cost too much, and all that. To this I would answer as follows:

An accurate topographical or trigonometrical survey of an extensive territory is, indeed, a work of vast magnitude. We need only refer to Great Britain, which, with an area only two thirds as great as that of California, has had a Trigonometrical Survey going on uninterruptedly since seventeen hundred and ninety-one, employing several thousand persons, and costing, up to this time, about fifteen million dollars (\$15,000,000.) Recently, a committee of the House of Commons has reported in favor of hurrying it up, and that it may be finished in twelve years, provided seven hundred and fifty thousand dollars (\$750,000) per annum be appropriated for that length of time. France, with an area a little greater than that of our State, has had a Topographical Survey in progress for about a hundred years, employing, all the time, between two thousand and three thousand persons, and the work is said to be now about two-thirds finished.

Do not be alarmed at these figures, gentlemen. I do not intend to ask for millions of money, nor thousands of assistants, nor hundreds of years of time; but perhaps the facts just cited will be an answer to those who asked, soon after our work had been commenced, whether we were nearly through.

The authority for doing something for the increase of the geographical knowledge of the State, I find in the clause of the Act authorizing the Survey, which requires "proper maps" to accompany the reports; and as we could not call that a proper map, on which whole districts and extensive mountain ranges were laid down exclusively by the method known as guessing, it certainly became our duty to do something which was "proper."

It is evident that, as we go over the State with our geological work, we can collect a large amount of geographical information at a comparatively small expense; and that if it is not done by the Geological Survey, it will not be done at all, or certainly not for many years to come. Indeed, we must do something in the Topographical Department, or we can not put our geological work together, or locate our observations, so that our descriptions will be intelligible. Our methods are calculated to insure a considerable degree of precision—a very great degree, I might say, as compared with what had previously been done—while we consult economy in a manner which will, I trust, be appreciated, when I say that the whole extra expense caused by this department has, thus far, not been over six thousand dollars, (\$6,000,) or three thousand dollars (\$3,000) a year. Not that I mean to say that three thousand dollars (\$3,000) a year is enough; I hasten to enter a caveat against any such inference. The amount of work already accomplished has been stated in my letter to the Governor, which has been laid before you in a printed form; and that my representations are correct in respect to the materials on hand, I can refer you to the members of the Mining Committee, who have recently visited the office of the Survey.

In making a few suggestions as to the possible connection of the Geological Survey with the determination of the eastern boundary of the State, I hope that I shall not be accused of interfering with matters not

properly within our cognizance. It seems to me that some arrangement might be made, by which the work of running the line in question should be intrusted to the Geological Survey, and by which the interests of the State and the United States would both be subserved. All are probably acquainted with some of the facts connected with the boundary line survey; but there are some points to which I beg leave to call your attention, as they are perhaps not generally understood.

Congress appropriated fifty-five thousand dollars, (\$55,000,) in eighteen hundred and sixty, to "run and mark the boundary line between the Territories of the United States and the State of California." The work was commenced in the course of that year, and was carried on for a short time, when it was stopped by the removal of the Commissioner, and the secession of the Astronomer, who, with a degree of latitude in his political principles not to have been expected in a man of his ability, left the contemplation of the fixed stars of the northern firmament, and joined the shooting ones of the South.

The whole sum appropriated by the United States was expended, and additional liabilities to the amount of twenty thousand dollars (\$20,000) incurred, besides what was invested by California, (some ten thousand dollars, I believe,) when Lieutenant Ives, the Astronomer, seceded, leaving a part or all of his observations fixing the initial point on the Colorado, uncomputed, in the hands of an irresponsible party in San Francisco, from whose keeping they seem to have come, by a happy accident, into the possession of the United States Surveyor-General, at San Francisco, who now holds them subject to the order of the Department of the Interior, and where they have remained undisturbed for nearly two years. Lieutenant Ives, in his last official communication to the Department, declared that the field astronomical work had been accomplished, and that it only remained to make the computations and run the line. That is to say, the observations had been made for the determination of the intersection of the thirty-fifth parallel with the Colorado, and the thirty-ninth with the one hundred and twentieth meridian. As the matter now stands, and has stood for nearly two years, nothing has been accomplished; for the observations have never been calculated, or examined to see whether they could be made available without Lieutenant Ives' assistance, or whether the whole work would have to be done over again.

The line forming the eastern boundary of the State may be divided into two portions, one is a purely astronomical one, following the one hundred and twentieth meridian from its intersection with the forty-second parallel of latitude (the north boundary of the State) to its intersection with the thirty-ninth parallel. The position of any point with reference to this part of the line may, therefore, be determined independently, by astronomical observations. The other portion of the boundary depends partly on a geographical position, as it runs from the intersection of the one hundred and twentieth meridian and the thirty-ninth parallel to the intersection of the thirty-fifth parallel with the Colorado river, so that the position of a point with reference to this part of the boundary cannot be fixed until the intersection of the Colorado has been determined.

Recent events, especially the growing up of an important mining district, and a large settlement so near the boundary that it is still uncertain on which side it really is, causing great confusion, to say the least, seems to render it absolutely necessary that the boundary should be accurately and authoritatively located, so as to prevent further dispute, in case the line should remain as it is now fixed; or, if California wishes to make

a present of part of her territory to her neighbors on the other side of the line, that a new one may be established understandingly, so that further difficulties may be avoided.

Is it not reasonable to believe that Congress, at its next session, provided the matter be properly set before that body, would make the necessary appropriation to have the work done? and could it not be done by the Geological Survey, in such a manner as to give us an opportunity of exploring the geology of that region while doing the astronomical work, and thus saving a considerable sum to the State?

There is reason to believe that nearly the whole of the boundary line runs through a country rich in minerals; although a portion of it, at least, is extremely barren and dry. I do not desire the additional responsibility of this work, but it seemed to me that it was my duty to suggest the matter to you; especially as the expense of making a separate geological exploration in the region of the boundary will be considerable.

I would further add, what I presume is already pretty well known to all of you, that unless an astronomical line be made the boundary north of Lake Bigler, as is now the case, then it would be absolutely impossible to define a line on the surface by enactment, previous to an actual survey; the geography of the region is too little known to permit that to be done.

In the department of Physical Geography, we expect that our observations will be equally important to the agriculturist, the engineer, and the miner. A careful survey of all the mountain ranges of the State; the determination of the position and elevation of the passes; the study of the meteorological conditions consequent on the relative position of land and water; of the climate of this coast, and everything thereto connected; all this, naturally, and almost necessarily, carried on in connection with our work in the field, is of the greatest interest and importance to all classes of citizens. In locating roads, railroads, and ditches, in all questions relative to the drainage and improvement of low lands, of irrigating high lands, and in a thousand other ways, this branch of our work, if it is ever carried to completion, will be always consulted as authority, used as the basis of many public improvements of magnitude, and made generally available in ways which many would, at first thought, hardly deem possible or conceivable.

Having noticed the departments of Topography and Physical Geography, let me next state, more fully and definitely than has hitherto been done, what we expect to accomplish in the course of our work in connection with the department of Geology, both general and economical, which will be of practical value to the State: First—we propose to lay down on a map of California and the adjacent region, the range and extent of the various geological formations, defining their outlines, and marking them by colors, intelligible to all. Each one of these groups of strata or formations will be described in the reports, and the valuable minerals and ores which it contains investigated, their appearance on the surface noted, the best methods of making them available set forth in detail, and all such particulars annunciated with regard to them as will be of service either to the explorer, the capitalist, or the miner.

The objects to be gained by this course will be: first—the aiding of the *explorer*, by limiting the area over which his work is to extend, and thus preventing a portion, at least, of the waste of time and money which is now going on throughout the State; second—the aiding of the *capitalist*, by giving him the means of deciding whether the enterprise in which he is asked to invest his money is likely to be a profitable one;

and third—in helping the *miner* to such a knowledge of the position of the veins and the structure of the adjacent country as may guide him in laying out his work aright.

It is not easy to estimate the exact amount, in dollars and cents, for which we should receive credit in this department; but let us make an attempt at a rough calculation, in which I will endeavor, at least, to keep a considerable distance within the bounds of truth. All will probably admit that there are not less than ten thousand persons engaged in prospecting in California and in those regions adjacent, of which the business belongs to this State, and where its capital is to be invested, if any development is made of what is discovered. It is certain, to my mind, that more than one tenth of the time and money thus employed is as good as thrown away, for the want of that exact knowledge which only a Geological Survey can afford. Say that a man's labor and expenses are worth three dollars (\$3) a day, and we have thirty thousand dollars (\$30,000) a month wasted, or enough to support this Survey for a year with the largest expenditure which I have thus far calculated on, but which has not yet been more than half realized. Even if we only reach with our work one in twelve of the prospectors thus engaged, our whole Survey would be paid for in this one way alone, if there is any truth in the saying that "a penny saved is a penny earned." And I think that those who are familiar with the mining history of the State will admit that my estimates are below the truth, and probably very much below. I feel perfectly safe in saying, that the California capital thrown away in unnecessary and perfectly useless mining explorations within a radius of ten miles about Virginia City, would pay for the whole Geological Survey; or, to suggest a mode of expenditure more directly related to that at Washoe, would suffice to build an Insane Asylum on the largest scale, with all the modern improvements, including gas.

Perhaps there may be some who will say that money and time expended in the State are not lost to the community, even if the results are such; but a little reflection will show, I think, that this is not so. Let us suppose that the whole population of the State engages in some non-remunerative employment, such as quarrying stones in the Coast Ranges and transporting them to the top of the Sierra Nevadas; what would be the result? Nothing would be produced which could be exchanged for food or clothing; the stock of both on hand would soon be exhausted, starvation and rags would follow, and the last man would soon sit on the last wheelbarrow load of rock, a melancholy picture of despair.

But in what respect is the result different, except in quantity, if only half, or a quarter, or a hundredth, of the productive force of the State is thus wasted? Nothing can be clearer, when looked at in the light of the well settled principles of political economy, than that any saving of profitless expenditure is a clear gain to the community. Thus, if, as is stated, many thousands a year were wasted in searching for coal in New York, and that this expenditure was put a stop to by the investigations of the Geological Survey of that State, then the Survey should be credited with the exact amount thus saved, as properly as it would be if that sum were annually taken from the bowels of the earth by the members of the corps, and placed in the State Treasury.

It is supposed by some that the principal object of the Geological Survey is to "prospect" the State; that is, simply to search for valuable deposits of mineral substances and metallic ores. That is, indeed, *one* of

the many items which go to make up the sum of the task set before us, but not by any means the most important one.

The fact is that we already have more discoveries on hand than we know how to manage. It is, at present, of vastly more consequence to the State that that which is already known to exist should be made available to capital and labor, than that time should be wasted in locking for more. If one lode in ten of those that have been discovered within the last two years turns out to be worth working, and is properly worked, mining will go on here on a scale that has been never dreamed of in any other country.

Still, we shall probably make discoveries of deposits of mineral substances and ores which may be of value to the State, as, indeed, we have already done, and could hardly fail to do, unless we went over the ground with our eyes shut; we cannot, however, stop our work to enter into practical mining operations, or take up claims for ourselves and our friends; there are plenty of others to do that. We have not hitherto observed any lack of zeal on the part of the inhabitants of this State to take that portion of the labor of developing our mineral resources upon themselves; as far as working claims and forming companies is concerned, we are fast getting to occupy the foremost rank in the speculating world. While the Atlantic States are all up in arms, our territory seems likely soon to be all up in feet. The poorest man in the State may easily pass as a centipede, or the possessor of a hundred feet, while the majority of the Montgomery street speculators would probably more properly come under the denomination of millipedes.

There are several reasons why the results of the Survey we are now carrying on will be necessarily somewhat slow in their elaboration, at least slow as compared with what I suppose to be the expectation, and know to be the wish, of the public. One is, the immense extent of the territory to be traversed and examined before our work will be anything like complete. To make the vast extent of our territory more perceptible to the eye, I have cut out a piece of paper of the size of this State, and on laying it on a map of the same scale, with one corner at the Hub of the Universe, I found that it covered all of Massachusetts, one third of New Hampshire, two thirds of Vermont, three fourths of Connecticut, two thirds of New York, all of New Jersey, Pennsylvania, and Ohio, nearly all of Indiana, a large slice of Michigan, and smaller ones of Maryland, Virginia, and Kentucky. There is no work of this kind now going on which will compare with the Survey of California in magnitude, unless it be that of British India.

I find, that if we were to go over the ground with the same minuteness as the British Geological Survey, we could finish the work in one hundred and eighty-eight years; that is to say, provided we had as large an appropriation as they have, (about one hundred thousand dollars a year,) and our other facilities were equal to theirs. I do not propose to complete the work myself on that scale. That we have not been idle may be inferred from the fact that an accurate register of the distance travelled over by one of the party, (Professor Brewer,) shows that he had made nine thousand and ninety-three miles in the service of the State since the Survey commenced, up to the close of last year; of which three thousand nine hundred and eighty-one were done on mule-back and two thousand and four miles on foot; this is about twelve times the distance from Fort Yuma to Crescent City, the longest straight line which can be drawn within the boundaries of the State, being about seven hundred and ninety-seven miles.

Other reasons for our slow progress may be found in the complexity and difficulty of the phenomena exhibited. There seems to be a striking analogy between our geology and that of Mexico; and if Humboldt, after his long stay in that country, confessed himself unwilling to "hazard a general sketch of the Mexican mines, considered in their geological relations," we may be excused, perhaps, for not wishing to be the fools who are to rush in "where angels fear to tread," and especially where the magnitude of the pecuniary interests involved is so great; for if some of you may be disposed to think that our work has not a practical bearing, your opinions would probably be somewhat changed were it your duty to answer the numerous questions which are almost daily propounded to us, on subjects touchingly affecting the pockets of the inquirers, and not unfrequently to amounts compared with which the sum we draw from the Public Treasury is but a trifle.

I might hint at another hindrance to progress, and that is, that too much of the time and attention of the State Geologist has been absorbed in those financial operations which are naturally consequent on a somewhat collapsed condition of the public purse; but I refrain from entering on these considerations, lest they should prove too much for my feelings.

Some idea may be formed of the probable length of time which will be necessary to discover all there is to be known in California in the way of mines and minerals, by referring to older and more thickly settled regions. Take England, for instance, where mining has certainly been carried on for two thousand years, and where a population about as large as that of the whole United States is compressed into an area two-thirds that of California. New discoveries are constantly being made, new veins found, and it is but a very short time since an extensive and important iron region was opened, the very existence of which had not before been dreamed of, and which is now turning out several hundred thousand tons of ore a year.

To come nearer home: prospecting has been going on near Lake Superior for the last seventeen years, actively, if anywhere in the world, and in a region where the metalliferous veins are confined to quite a small area, and one which has been carefully marked out and limited by the Geological Survey; and yet, within the last year, discoveries of the greatest importance have been made, which promise to develop into as valuable mines as any now worked in that part of the country. I might also refer to the valuable gold mines so recently opened in Nova Scotia; to important lead veins found within a few miles of New York City, a short time ago; and to many other cases of a similar kind, if it were necessary, to show that the most diligent searching will not be likely to exhaust the resources of this State for a long period to come.

In the meantime, however, we hope to put explorers and prospectors in the right track; to teach them to husband their resources; and especially, to give them the means of deciding when, how, and wherefore, their discoveries may be made available.

Of the vast extent of territory belonging to the United States, west of the most eastern ridge of the Rocky Mountains, in longitude 106°, how little is definitely known! It is true that the region has been traversed by numerous exploring parties, and that a large amount of information has been collected by them; but how little has been accomplished, compared with what remains to be done! Of the country between the Humboldt Mountains and Great Salt Lake we know almost nothing, either as to its geological structure or its mineral treasures. That a portion of it.

at least, if not the whole, is a mineral region, and a rich one, seems highly probable, from the important discoveries recently made in the so called Reese River District, whither the rush is now tending. Every extension of our knowledge in this direction is of importance to California, since the business of that vast area must center in this State, whose growth is so intimately connected with the opening and settlement of the region north, south, and east of her own territory.

Again, to illustrate how, in the department of *Metallurgy*, the Survey may make itself of pecuniary importance, how it may pay back some of the dollars and cents which have been and are to be bestowed on it, we will take one branch of this division, namely, the quartz mining interest of the State.

Let us suppose that some capitalist, desirous of investing his money on this coast, a foreigner, perhaps, has his attention turned to *quartz mining*. He wishes to ascertain what are his chances of success in that line, and how he must go to work. By turning to our reports, he will be able to see for himself all the progress of that department of our mining interests, and to obtain all the information necessary to enable him to form an opinion as to what kinds of machinery have been tried, and what found most available; what kind, and how much power, fuel, and materials of all kinds he will require, to do a certain amount of work; how he can best save and dispose of his tailings, and what the margin for profit in working a lode of a certain yield of gold, and with certain conditions of situation. Instead of "going it blindly," he may have his eyes opened to all the conditions requisite to success.

I fully believe that the investigations of the Survey, if carried to completion, in this department of the work, will more than repay the whole expenditure, in the increased investment in this class of mines consequent on the publication of our reports; and that this, which is now one of the leading interests of the State, is destined to a great increase by the agency of our investigations.

The same is true with regard to the other metals, as yet hardly begun to be worked in the State. All that has been accomplished in the way of developing our deposits of silver, quicksilver, tin, copper, antimony, chromium, lead, zinc, and iron, not to speak of our earthy minerals, amounts to no more than mere scratching on the surface. The days of regular, permanent mining, for these metals, have yet to be begun.

In my address before the Legislature, last year, I went so fully into the practical, economical, and educational relations of the Botanical Department of the Survey to the interests of the State, that it seems hardly necessary to go over that ground again. A statement of what has been accomplished in this, as well as in the Zoological work, will be found in my letter to the Governor, previously referred to.

I pass, therefore, to the important topic of the connection of the Survey, taken as a whole, with the intellectual advancement of the people of California.

The Geological Survey, in point of fact, has the honor, at present, of representing the higher educational interests of the State. All that has been done officially for their promotion by the California Legislature, has been done through the instrumentality of our work. We are a Board, not directly but incidentally, organized to make the necessary preparation for a State University, State Agricultural and Mechanical College, State Polytechnic School—call by whichever of these names you see fit the State Institution, in which the theory and application of the higher branches of knowledge are to be taught.

Through the nucleus provided for the founding of a State University, by the United States grant of lands already sold and placed in the State Treasury, and by the additional aid given by the last Congress in granting lands for the endowment of a School "where such branches of learning are to be taught as are related to agriculture and the mechanic arts, not excluding other scientific and classical studies," the means are provided for making a beginning in the department of higher education, whenever it shall be the right time. Notice the words "Mechanic Arts," (which also include mining,) the real design being evidently that of a Polytechnic School, in which agriculture shall be a leading feature.

But if the State Institution is to be anything really worthy the designation, if it is to be something more than a sham, then it will be found that the Congressional bounty is but the beginning of the necessary funds—but little more, in fact, than an excuse for the State's taking the matter up, and making such provisions as shall insure the thing's being done rightly from the start; and if it is not done rightly from the start, then the money may as well be thrown into the Pacific Ocean, for all it will do any good to the people of the State in general.

And what I mean by doing the thing rightly, is:

First—The consolidation of all the proposed Schools and the University into one Institution, or at least the locating of them in the same place, so that they may be mutually dependent on each other, and have the common advantage of the same libraries, collections, laboratories, and Professors.

Second—The establishment of this Institution in such a form that provision shall be made for its support and development, so that each step forward shall be a positive gain, and not a practical exemplification of the old story of two steps forward and three back.

In reference to the first of these conditions, it may be said that there is no practical difficulty in the way of its being brought about; and that such a consolidation is absolutely necessary, may be judged from the following facts:

The amount of money received and to be received from the United States on account of the University Fund, is fifty-seven thousand and six hundred dollars, (\$57,600;) from the grant of lands for an Agricultural and Mechanical School, one hundred and eighty-seven thousand and five hundred dollars, (\$187,500.) I take these figures from the Report of the State Superintendent of Schools. The total is two hundred and forty-four thousand and one hundred dollars, (\$244,100.) which, invested in State seven per cent bonds, would yield seventeen thousand and eighty-seven dollars, (\$17,087,) annually. How many Professors or Teachers will that sum support, to say nothing of the other necessary expenses of such an establishment as a Polytechnic School? Certainly, not more than four or five. How does that compare with the number in the principal Polytechnic Schools in Europe, not to speak of University and Professional Schools? The Central School of Arts and Manufactures, in Paris, counts forty Professors and Teachers; the Polytechnic School of Vienna has fifty-eight Instructors. Governor Andrew, of Massachusetts, acting under the advice of those most competent to judge, says, in his last message, speaking of an Agricultural School to be established in that State:

"Such an institution, even on a moderate scale of completeness, should embrace the following distinct Professorships:

"First—Mathematics, pure, and applied to Surveying, Levelling, etc.

"Second—Drawing, and Design.

"Third—General Physics, and Meteorology.

"Fourth—Mechanics, and Engineering, especially as applied to agricultural machinery and processes, to rural architecture, road making, etc.

"Fifth—General and Agricultural Chemistry.

"Sixth—Chemical Analysis, especially as applied to soils, manures, and products.

"Seventh—Botany, and Vegetable Physiology.

"Eighth—Zoölogy, and Animal Physiology, including breeding of animals, their diseases, and treatment.

"Ninth—Geology, and Mineralogy.

"Tenth—Practical Husbandry, with superintendence of model farms."

But, he adds: "In many of these departments one or more Assistants, or sub-Professors, would be necessary, and the whole corps of Instructors could hardly fall short of twenty."

Now, of the above Professorships, seven would be just as much required for a School of Mines, as for an Agricultural School; while, of the three thus excepted, two would be necessary branches of a University course of instruction, organized with any pretence to completeness, leaving only one professorship, that of Practical Husbandry, as peculiar to an agricultural institution.

Is it not evident, then, that in the mere matter of the corps of Instructors, alone, the establishment of a School of Agriculture in one part of the State, a School of Mines in another, and a State University in another, would be a deliberate waste of money and means?

And so with regard to collections and Library; all will admit that either an Agricultural, a Mining, or a Polytechnic School will need extensive collections in Geology, Mineralogy, and Natural History. The sciences are so interwoven with each other, that no one department can be successfully taught without help from the others. The intelligent farmer needs to have some knowledge of the geological structure of the region in which his estate is situated; the Mining Engineer wants information about the timber for underground work and fuel, and the Civil Engineer, if he aspires to something more than mediocrity in his profession, must not confine his studies to learning the use of a table of logarithms and a theodolite.

The getting together of a Library is, in itself, a work of time and money, even for furnishing the necessary books of reference in one department alone. The cost of a really complete Library, not to speak of the bibliographical knowledge necessary for making the proper selection, and the labor of purchasing, arranging, and cataloguing, is something alarming to those who have not taken into consideration the almost boundless extent of modern science in all its ramifications. There are but few Libraries in the world which profess to be complete. In one of them, that of the British Museum, let me mention that the cost of binding the books annually acquired is just about double the amount of the income mentioned before as likely to accrue to the Agricultural School and University from the United States grant of land.

Do not these considerations lead irresistibly to the conclusion, that if anything is to be done here in the way of establishing a School of Science, it should be so done that there may be consolidation and strength, instead of diffusion and weakness? In my humble opinion, and I would

not intrude it here if circumstances had not given me a better opportunity of becoming acquainted with these matters than any one else in the State can possibly have had, five years of preparation, with a judicious investment of the bounty of the United States, aided by the State itself, as well as by private enterprise, will not more than suffice to get ready to begin a course of instruction in the several branches of applied science; and that if there is not a concentration of effort, regardless of local jealousies, there can be nothing done at all which will be of any practical advantage to the State.

If the State University is organized, and is nothing more than a second-rate College in reality, it will only serve to injure the Colleges already in operation in the State, if it has any influence at all.

If it be argued, that the United States appropriation for an Agricultural and Mechanical School cannot be legally combined with the University Fund, I would state that no difficulty is apprehended on that score at the East, and that it is the expectation of the Universities at Cambridge and New Haven that they will receive and have the benefit of the amounts appropriated to the States of Massachusetts and Connecticut.

Let me show, by an instance, what harm has been done by severing the State Agricultural School from the University. In Michigan they have a State University, in the most flourishing condition, (thanks chiefly to the zeal and ability of Chancellor Tappan) and this is the only State University which is in anything approaching a satisfactory position among all those of the Western States. In that State, ninety thousand dollars were given by the Legislature to start a State Agricultural College, which was located at Lansing, the capital, instead of Ann Arbor, the site of the University. The undertaking was commenced in eighteen hundred and fifty-five; seven hundred acres of land were purchased, and buildings erected; and yet the whole thing is absolutely dead now, and if anything is ever done again for an undertaking of that kind, it will be almost certainly combined with the University, and located at the same place, the ninety thousand dollars, with private contributions of I know not how much more, being almost as good as wasted. Here is a clear case in which a large pecuniary loss has accrued to the State, and the cause of agricultural education been set back, all to satisfy that local ambition and desire for a share of the loaves and fishes, which has been a death blow to so many otherwise happily conceived undertakings.

Should not the fact that there is now only one Agricultural School in successful operation in the United States, in spite of there having been large amounts contributed, and extensive buildings erected in several different localities, at least lead to the conclusion that it is not so easy a matter, even in the older, richer, and more purely agricultural States, to set in motion an undertaking of this kind.

And, I might add, there is no especial Mining School in the country, in spite of several attempts to establish an institution of the kind. Whatever is taught of mining or agriculture at the East, is in connection with the scientific Schools attached to the Colleges or Universities, and the special Schools have never, except in one instance, been able to overcome the disadvantages of isolation, and to make headway against the superior advantages of those institutions in which there was a concentration of means and men teaching in several specialities at once, with common Library, Museum, and Collections.

There is another point of view from which the Geological Survey should be regarded, and to which I will ask your attention for a few moments. I refer to the possible future action of Congress on the mineral lands of

this State, and of the Pacific coast in general, either in the way of their actual sale or lease, or by placing a tax on the metals produced from them.

The Commissioner of the General Land Office, in his last report, has brought this subject up for consideration. If public documents be absurdly unreliable and exaggerated in their statements, as this can be shown to be, are to form the basis for action on the part of the Government, then there is no possibility of predicting the injury which may be done to the interests of this State.

The sapient head of the Land Office, (I came very near writing sap-head,) declares that the amount of revenue which the United States can derive from her mineral lands is practically unlimited, or, to use his own words, "absolutely incalculable." This result he arrives at by a happy combination of statistical genius and poetic fancy, and if his figures are correct, we ought to produce, by working only the poorer lodes, one hundred and twenty thousand million dollars (\$120,000,000,000) per annum, not to speak of a substratum of solid gold and silver which we are to strike "when a sufficient depth shall be reached." He evidently thinks that it is only with reluctance that we submit to the necessity of amassing fortunes, since he declares that the leads paying twenty thousand dollars (\$20,000) a ton, which have been discovered, have not yet been worked.

To stir us up to shovel in the gold bars a little more rapidly, and get rich in spite of ourselves, the Commissioner recommends that we should be allowed the exclusive privilege of paying those little war bills which have run up to a few thousands millions of dollars. The Secretary of the Interior falls in with this idea, and the upshot of it may be, that unless we have a thoroughly reliable and complete official statement of our mining interests to lay before Congress, we may find ourselves afloat on a sea of troubles.

Before acting on the disposal of the copper lands of Lake Superior and lead region of the Upper Mississippi, Congress caused Geological Surveys of those districts to be made, and the result was to do away with the systems of leasing and taxation previously in operation.

So the results of our Survey will, I trust, furnish data for wise and judicious action on the part of the General Government in reference to any question which may come up for consideration bearing on the rights of the miners of California, and the development of our mineral wealth. It is certain that there are interests involved of no common magnitude, and that it behoves the State to have an eye in the direction of Washington, and a bundle of statistics ready for use, in case the Honorable Secretary and the learned Commissioner at any future time should seem to be likely to get their views backed up by Congress.

But, it may be said, all this that you have set forth is very fine, and sounds well, but the Survey has been in operation over two years, and where are the results?—"we don't see it." Well, gentlemen, that is exactly my position with regard to the appropriations made by the last Legislature for continuing the Survey and for printing the first volume of the report. The Survey still lives, but it is by faith, hope, and borrowing—especially the latter.

I hoped to have had the first volume of the Annual Reports ready to lay before you during this session; but, as the winter drew near, and I found that there was no possibility of getting any money before the end of the next year, I have varied my plans accordingly, and am now hoping that we shall be able to get the materials for two or possibly three vol-

umes ready by next winter, which, together, will form a connected whole, much more complete and systematically arranged, than the work would have been had one volume been published this winter.

The passage of a bill appropriating the amount recommended by the sub-committee of the Committee of Mines in the Assembly—twenty thousand dollars (\$20,000)—will enable me to place the work in such condition, (provided I am lucky in borrowing,) that if the next Legislature chooses to stop it altogether, or suspend it for a time, a very small additional appropriation will enable us to close up decently, with the publication of three handsome volumes, which, I pledge myself, shall be creditable to the State; while, with the sum proposed in the Senate, I should be at a loss what to do, as it is more than we need to die on, and not quite enough to keep us alive—that is, if life means motion and activity. The difference of five thousand dollars (\$5,000) will make more than the amount of one volume in our results, as there is so much partially finished work in hand, which can be cleared away this year, if it be desirable, as I think it is, to put things into such a condition that the Survey may be closed up by the next Legislature, in case it shall be deemed advisable.

Next winter, then, I propose to say, "Gentlemen, so much of our work is accomplished, and so much remains to be done, for which an appropriation of so many dollars for so many years will be necessary. If the Survey is not worth carrying on, then things are in such a position that it may be stopped now, with the least possible loss to the State; or, if the condition of the country is such as to make it advisable, the work may be suspended until a better time comes for prosecuting it, perhaps under some more competent head than is now placed over it."

Were I to discuss the subject of the Geological Survey in all its relations to the material and intellectual growth of the State, I fear that I might be drawing too heavily on your patience. I am conscious that I have hardly done justice to what I conceive to be the importance of my subject. Not with any ideas of advantage to myself, have I consented to advocate the cause of the work in which we are engaged; but rather, as impressed with its importance to the people of the State, whose representatives you are. It is not easy to measure, in advance, the exact value of a great scientific work, nor to foresee all the ways in which it will enter into the life of the people; time, alone, can show that, and I feel a high degree of confidence that time *will* show that our labor has not been in vain. At all events, I can say with truth, that all connected with the Survey have done their best to subserve the interests of the State; and that, if forced to retire from the field, we cannot be reproached with having sought to make use of the means placed in our hands in any way of which we shall hereafter have occasion to be ashamed. And now, gentlemen, thanking you for the patience with which you have listened to me, I leave the Geological Survey in your hands, to be dealt with as shall, under the circumstances, seem to you just and proper.

If we are to die, we will endeavor to do so decently, and in order, and our epitaph is already written: "Since I was so quickly done for, I wonder what I was begun for." If we are to live, I hope that we shall grow in stature and in grace; and find favor not only with the present, but with the next, Legislature, by which time our results will be in part before the world, so that all will be able to form an opinion whether our work is or is not likely to be worth the money expended on it.

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